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ANNALS OF IOWA

A HISTORICAL QUARTERLY



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BATTALION OF VOLUNTEERS.



COMMANDED BY MAJ. WM. WILLIAMS.

RAISED FOR THE DEFENSE OF THE FRONTIERS AND THE RESCUE OF THE SETTLERS.
ON HEARING OF THE MASSACRE OF THE INHABITANTS OF SPIRIT LAKE, BY
THE SIOUX INDIANS, AND THEIR THREATENING ATTITUDE TOWARDS
THE SETTLERS ON THE WEST BANK OF THE DES MOINES
RIVER.

This is to Certify, That *Orlando C. Howe* a *Private*
in Company *B* of the said Battalion volunteered his services on the.....
.....day of *March*, 1857, and faithfully served *Eighteen* days in
said Expedition, undergoing all the severe trials and privations incident thereto, at all times, under
all circumstances performing his duty and conducting himself as a soldier and a gentleman.
He is therefore honorably discharged.

John F. Ducomb
Captain of Company *B*.

Fort Dodge, Iowa, April 20th, A. D. 1857.

Facsimile of official certificate of Orlando C. Howe's service in
the Spirit Lake Relief Expedition of March 24-April 10, 1857, sent
to Professor F. I. Herriott by Mrs. W. H. (Helen Howe) Cooke
and Mrs. E. F. (Evelyn Howe) Porter of Lynn Haven, Florida.

ANNALS OF IOWA

VOL. XVIII, No. 7 DES MOINES, IOWA, JANUARY, 1933 THIRD SERIES

THE AFTERMATH OF THE SPIRIT LAKE MASSACRE MARCH 8-15, 1857

BY F. I. HERRIOTT
Professor in Drake University
(Continued)

X

Not the least interesting of the developments in the aftermath of the Spirit Lake Massacre were the notable differences in the conduct of the territorial authorities of Minnesota and that of the state authorities of Iowa in respect of their public efforts to secure the recovery of the women taken captive by Inkpaduta's band.

The territory of Minnesota was not as much interested in the catastrophe between the Okobojis as was the state of Iowa if the residential distribution of the victims should determine public concern and limit public effort. But from the outset and throughout the time, when the fate of the four women taken away by Inkpaduta was not known, the authorities of Minnesota were much more alert and forward in their active efforts on behalf of the victims than were the high officials of the state of Iowa. The contrast was rather striking and no one seems to have noted the fact. Mrs. Sharp, one of the victims and one of the notable beneficiaries of the difference, gives the details at length but does not indicate that she appreciated the significance of the difference.

When the Christian Indians, Mak pe ya ha ho ton, Sounding Heavens, and Se ha ho ta, Grey Foot, on their own initiative, journeyed to Inkpaduta's camp on the Skunk Lake and negotiated (May 6, 1857) for the sale of Mrs. Wm. Marble, they delivered her into the hands of the missionaries, Dr. S. R. Riggs and Dr. T. S. Williamson, of the Hazelwood Mission on the Yellow Medicine.⁴⁷ The latter immediately placed her in the

⁴⁷T. R. Riggs, *Mary and I*, p. 139.

custody of Charles E. Flandrau, Indian agent for the Sioux. The Indians asked for a reward for their efforts and outlays. Mr. Flandrau on his own initiative advanced them \$500 each on May 22 and did so on his confidence that the territorial legislature would sanction his act and reimburse him.⁴⁸

Agent Flandrau was either very courageous and philanthropic and a keen forecaster of popular reactions, or very reckless. He paid \$500 outright from his own private funds. The balance demanded he was hard put to find or assure. Conferring with Dr. Riggs in his perplexity they agreed to an extraordinary proceeding, if not a highly presumptuous undertaking, namely the issuance of what they took the liberty of calling a territorial bond whereby the territory was held to pay the payee the sum of \$500.⁴⁹ It was a perfect sample of scriptural faith, the substance of things hoped for and the evidence of things not seen.

Mr. Flandrau was fully justified in his faith that the public would sanction and endorse his act, for without his knowledge or suggestion the legislature of Minnesota had passed on May 15 an act appropriating the sum of \$10,000, or so much thereof as might be necessary to expend, to secure the recovery of the four women held captive by Inkpaduta. Those in authority, the governor in particular, were not hampered by a tangle of "strings" tied about its expenditure. They were at liberty to act instantly and as their wisdom deemed best.⁵⁰

Mrs. Marble immediately upon her appearance at the mis-

⁴⁸Chas. E. Flandrau, *Collections of the Minnesota Historical Society*, Vol. III, pp. 395-96; Sharp, *History of the Spirit Lake Massacre*, pp. 195-96.

⁴⁹*Ibid.*

⁵⁰*Laws of Minnesota*, Extra Session, 1857, Chapter LXXXIX. The title of the act and portions of its sections may prove interesting:

A Bill to Appropriate Money to be Expended in Procuring the Release of certain Female Captives now in Bondage among the Indians.

Section 1. . . . Ten thousand dollars, said appropriation to be drawn from the Treasury upon the draft of the governor in such sums and at such times as he may deem proper.

Section 2. It shall be the duty of the governor of the Territory to employ, equip in such persons, and in such manner as he may deem proper to be dispatched into the Indian country under the direction of such persons as the governor may select, for the purpose of finding the Indians holding certain female captives and of effecting the release of said captives either by purchase, strategem, or otherwise in such manner as not to endanger the lives of said captives (if to be avoided) and to provide for their speedy return to the Settlement.

Section 3. This act shall take effect from and after its passage.

Approved May 15, 1857.

S. Medary,
Governor.

If the governor desired complete, unrestricted discretion in the exercise of his executive office in the emergency he was certainly accorded royal discretion by the Solons of Minnesota.

sion informed those organizing for the rescue of the remaining women that Mrs. Thatcher had been murdered. Agent Flandrau and Dr. Riggs, because of the reward paid the rescuers of Mrs. Marble, had little trouble in securing offers of assistance in the recovery of Miss Gardner. Three mission Indians were picked to accomplish the task—Che tan ma za, Iron Hawk, Ho ton ho wash ta, or Beautiful Voice, and Ma za in te ma ni, or Man-who-shoots-metal-as-he-walks.⁵¹ The last named holds high place in Minnesota's annals as John-Other-Day, justly famed for his notable services to the whites in the horrible days of the outbreak of 1862 when Little Crow and Inkpadata wreaked their vengeance on a thousand whites.

In outfitting the three rescuers Agent Flandrau pushed his personal credit with the post traders for the purchase of horses, wagon, clothes, etc., to the amount of \$888.37. Upon the return of Miss Gardner he paid the three Indians \$1,200, or \$400 each for their services.

When the rescue party reached the mission station Mrs. Sharp informs us that they found themselves in the midst of intense excitement, "a scene of wild confusion met us," because the Indians had not received their annuities according to government promise and the Indians were in a state of ugly suspicion that needed but a little jar to bring on a violent reaction.⁵² That she was not imagining things the conditions causing the outbreak five years later may suggest.

The generosity of the people of Minnesota did not stop with the formal appropriation of public funds by their territorial government. The warm-hearted people of St. Paul subscribed and presented to Mrs. Marble before she left \$1,000, and to Miss Gardner \$500.⁵³

Summing up the various outlays: We have the disbursements from the territorial treasury partly in reimbursing Major Flandrau and Dr. Riggs for their advances at least \$1,888.37; then \$1,200, the amount of the rewards to Miss Gardner's rescuers; and finally the \$1,500 in popular donations to the two victims of Inkpadata. There should be added the various minor sums given to Miss Gardner by Mrs. Barnard E. Bee at Fort Ridge-

⁵¹Charles E. Flandrau, *Collections of the Min. Hist. Soc.*, Vol. III, pp. 395-96; Sharp, *History of Spirit Lake Massacre*, pp. 195-96.

⁵²Sharp, *op. cit.*, pp. 250-51.

⁵³*Ibid.*, p. 266.

ly;⁵⁴ a popular donation to her at Shakopee;⁵⁵ and the expenditures for sending Col. Lee with Miss Gardner to Fort Dodge. Altogether the people of Minnesota expended much more than \$4,500 and the amount in the conclusion probably approximated \$5,000 on behalf of Iowa's victims of Inkpaduta's hatred of the whites.

The forwardness and generosity of the people of Minnesota may be explained in two ways, or upon the basis of two hypotheses. First, the natural spontaneity of the humanity of pioneers who act instantly and generously in cases of sorry need that has its impetus in the hospitality of the desert and the good will for one's kind bred by the privations of the frontier. Or, second, that generosity may have been due to some misapprehension as to the area of their responsibility—and strangely this conclusion is rather strikingly suggested by Agent Flandrau himself.

In the course of his chapter giving an account of "The Indian War of 1862-1864, and the Following Campaigns in Minnesota" which he contributed to the official publication of that state entitled: *Minnesota in the Civil and Indian Wars—1861-1865* Judge Flandrau in referring to the Spirit Lake Massacre says:

The first Indian trouble that occurred in Minnesota was at Spirit Lake, in the southwestern corner of the state, and is known as the Ink-pa-du-ta^{55a} war. In March, 1857, Ink-pa-du-ta's band had a quarrel with some settlers on the Rock river, in the northwestern part of Iowa. In consequence of this they came north into Minnesota and killed a good many people at Spirit Lake and Springfield, on the headwaters of the Des Moines,—about forty two in all,—and carried into captivity four women—Mrs. Marble, Mrs. Noble, Mrs. Thatcher and Miss Gardner.⁵⁶

It is quite clear that Judge Flandrau in the foregoing assumed, or wrote in the belief, that the Spirit Lake settlement was actually, or substantially, within the territory of Minnesota, to the southernmost boundaries of which his official jurisdiction extended. In his oft quoted official report to the commissioner of Indian affairs upon the outbreak he makes special mention of the program and activities of the Red Wing Land

⁵⁴*Ibid.*, p. 257.

⁵⁵*Ibid.*, p. 258.

^{55a}In the portions of this article quoted we have allowed the style as to hyphens, capitals, etc., to remain as in the originals.

⁵⁶*Minnesota in the Civil and Indian Wars*, 1861-1865, p. 729.

Company under the management of Hon. Wm. Freeborn of Red Wing. Dr. Harriott's letters, however, indicate that he was fully aware that the company's selection of the town site of Spirit Lake was eight miles south of the Minnesota-Iowa state line; but all of their ordinary reckonings were in terms of Mankato, Red Wing, Shakopee, St. Paul, Minnesota.⁵⁷ Fifteen years later Judge Flandrau in his notable address already quoted, put the matter exactly as it was probably in the popular consciousness:

The country between the Minnesota river at Ridgely and Spirit Lake was, at that day an utter wilderness without an inhabitant. In fact none of us knew where Spirit Lake was, except that it lay about due south of the fort, at a distance of from 80 to 100 miles. . . .⁵⁸

Here again the inference seems clear that he and his companions in the march to Spirit Lake, or Springfield as it proved to be, assumed that Spirit Lake was within his territorial jurisdiction, and was not within the limits of the state of Iowa.

However one may explain the generous course of Minnesota, it is nevertheless strange that none of the annalists or historians of Iowa has indicated his appreciation of the notable generosity of the Minnesotans, and the equally noteworthy lack of similar action, or even suggestion of similar effort, on the part of Iowans. Neither Governor James W. Grimes in his last biennial message submitted to the General Assembly of Iowa on January 12, 1858, nor Governor Ralph P. Lowe in his inaugural, the next day, refers to Minnesota's instant and effective efforts on behalf of Iowa's women held captive by the Sioux outlaws. Mrs. Sharp, one of the two beneficiaries of Minnesota's largess, barely mentions the legislative appropriation, although she acknowledges the generosity of the other donors mentioned.⁵⁹

The mere fact of Minnesota's legislative action is noted by some chroniclers, but its significance did not seem to be discerned. This comment applies to 1857-58 as well as to later years. The explanation is to be found probably in several facts.

⁵⁷*Ante*, p. 283.

⁵⁸Flandrau, *Coll. Minne. Hist. Soc.*, Vol. III, p. 390.

The non-appreciation of the distances and confusion of names and places then and later are strikingly illustrated in President W. W. Folwell's volume prepared for the "American Commonwealth Series" in 1908. He has Spirit Lake located in Henderson County (*sic*); Springfield in Martin County (*sic*); the commander of Fort Ridgely was Captain Alexander Bee (*sic*); and one of the captive women held by Inkpaduta was a Mrs. Markle (*sic*). See his *Minnesota, The North Star State*, p. 146.

⁵⁹Sharp, *op. cit.*, pp. 266-67.

Minnesota's territorial legislature was in session and Iowa's General Assembly did not convene for nearly a year. The national government was specifically responsible for the protection of the public against the depredations of Indians and every one probably naturally assumed that Minnesota would be reimbursed for her outlays, as was the case in major part. Nevertheless, the spontaneous instant action of Minnesota in contrast with the inertia and reluctant action of the legislature of Iowa in the matter of claims of the members of the Relief Expedition has not received the favorable mention it justly deserved.

XI

Accounts of the Spirit Lake Expedition by its own members, written either during or immediately following their notable march are rare. Mr. Harris Hoover, nearly six months after, gave the public what almost purported to be a daily diary or journal of the Expedition.⁶⁰ Col. L. P. Lee of New Britain, Connecticut, who was asked by Governor Medary of Minnesota to attend Miss Abbie Gardner from St. Paul to Fort Dodge on her release from captivity, published later in 1857 what he called a history of the Massacre, based on notes of his interviews with Miss Gardner; but he gives us a curious melange in which what might have been a valuable first-hand narrative is made almost futile by tawdry efforts at melodrama, hasty, ill considered assertion and a superabundance of literary quotations.⁶¹

Major William Williams' official report of April 12, 1857, to Governor Grimes, already referred to, has been generally assumed to be the first definite first-hand report of the experiences of the Relief Expedition. But since the publication of the foregoing sections of this narrative I have come upon a letter written by a member of the expedition at Fort Dodge on April 9, two days before Major Williams returned to his home city. In its issue of April 17 *The Weekly Oskaloosa Herald* contains some extracts from a letter written to Mrs. N. Stephens of Oskaloosa by her husband, who states that he was a member of the expedition, starting from Fort Dodge on March 24, and returning with his company on April 9. As a contemporary document it takes rank with the affidavit of Messrs. Howe et al, the address

⁶⁰*The Hamilton Freeman*, August 27, 1857.

⁶¹Lee, *History of the Spirit Lake Massacre*, etc. (1857). *Ante*, pp. 248-49.

to Governor Grimes, and Major Williams' report. It contains some items not given by others and with some omissions is reproduced:

INDIAN ATROCITIES IN IOWA

We are indebted to Mrs. N. Stephens, of this place, for the privilege of copying a few extracts, relative to this subject, from a letter written by her husband, and dated at Fort Dodge on April 9th:

"I returned yesterday, near night, from a fifteen days' trip up the Minnesota line, on an Indian hunt. . . . [Here follows a brief account of Howe and Parmenter's discovery of the Massacre and bringing the news to Fort Dodge.]

"It was two weeks ago last Sunday that they came in town. Every effort was made to raise men, and on Tuesday morning near one hundred men, all armed and equipped were ready to march. . . . Time was measured off at ten days, and provisions provided accordingly. The severity of the weather, and the terrible condition of the roads, prevented us from making more than half of the distance per day that we supposed; consequently our supplies fell short, and we had to travel on half rations. We were not well supplied with tents, consequently there was much suffering. . . .

"We all held up very well under the excitement, until we got within about twenty miles, when our angry passions were aroused to a very high pitch. We met some twenty persons who had some three days before been attacked by the Indians, at Springfield, Minn., twenty miles from where we then were. . . . One man had his arm broken with a ball; another shot in the side; a young lady shot through the shoulder; a little boy, shot through the head. Many of their friends were slain. One little boy about the size of Lilly (nine years old) had his father, and mother, and I believe three brothers and sisters, killed. This little fellow, while the Indians were killing the other members of the family, slipped out of doors and hid behind a log, until night and then made his escape. A smart little fellow surely. At this point, we gave a portion of our scanty stock of provisions to those flying to the settlements. They had nothing to eat, and had had nothing for some three days. There were six women, ten children and five men. . . . After seeing these persons on their way, we moved on as fast as possible, expecting soon to meet the red skins, as we supposed they would pursue the persons we met. But to our sad disappointment, nearly to the close of our last day's march, news came to us that the soldiers from Fort Ridgeway [sic] had been there and driven the Indians away, and buried the dead, so that we had to return without achieving any very great victory over the Indians. . . ."

The name of "N. Stephens" does not appear among the members of the Fort Dodge companies, A and B, as they are listed on the west plaque of the Spirit Lake Monument; and if he was

not the "S. C. Stevens," second lieutenant of Company B, then he was a member of the expedition not heretofore mentioned or included in the roster of Major Williams' command.

Mr. Stephens' letter, so far as published, does not give us all of the details we should like to have. The omitted portions might enlarge our desired data, but they probably related to purely personal matters or were of no public concern. He does give us, however, sundry important facts. First, the leaders contemplated that the expedition would not last more than two weeks, whereas it approximated three weeks. Second, the number of the fugitives from Springfield totaled twenty, one larger than most the latter-day accounts indicate. Third, the famished condition of the fugitives severely taxed the commissariat of Major Williams' command, but despite their own dire need they divided with the famished fugitives; but of such are strong states compounded.

One of the natural and sorry results of such a catastrophe as overwhelmed the settlers between the Okobojis is displayed on the editorial page of the *Fort Dodge Sentinel* of April 23:

INFORMATION WANTED

There is now in this city, at the house of Major Williams a little boy about 8 years old who escaped the bloody massacre by the Indians at Springfield, M. T., on the 27th of March last, and who was brought to town by the volunteers who went up to the rescue. He says his name is John Sidman Stewart.

*

*

*

Also a young lady, about 16 or 17 years of age, named Elizabeth Gardner, whose family were also murdered, she only escaping the horrid fate. She says her father's name was Roland Gardner. . . .

Young Master Stewart was probably the "smart little fellow" mentioned by Mr. Stephens. The young lady was the sister of Miss Abbie Gardner. She had gone on a visit to Springfield, and thus escaped capture or death. She soon became Mrs. W. R. Wilson of Hampton, Franklin County.

In Major Williams' official report of April 12 he promised Governor Grimes a second report. That report, like the first one, is not to be found in the State Archives, but Governor Grimes permitted *The Hawkeye and Telegraph* of Burlington to print the letter, in which Major Williams makes his report. It is not long, but its details are interesting for they indicate very

clearly some of the immediate reactions of the Massacre at the Lakes. It is brief, pithy and pointed in its specifications, as the Major was wont to be in his comments or reports; and I reproduce it entire, as it appears in the columns of the *Weekly Ottumwa Courier* of May 7, 1857:

ANOTHER LETTER FROM MAJOR WILLIAMS—LATEST
FROM THE FRONTIER

By the politeness of Governor Grimes we are permitted to copy another letter from Major Williams, conveying the latest intelligence from the scene of the late Indian massacre.

It is proper to say that Governor Grimes has taken steps to furnish the required arms and ammunition.

Fort Dodge April 4 [24?], 1857^{61a}

To his Excellency, James W. Grimes

Sir—In my former communication, made immediately upon our return from the Expedition to Emmet and Clay counties to relieve the settlers and repel the invasions of the Sioux Indians, I stated that I would soon make a further report to you.

Most of our time since our return has been taken up in providing for the wounded, suffering and destitute rescued, and in searching for the bodies of some of our own men, who perished in a snow storm.

Since our return we have been over run by the settlers, who have rushed in upon us, abandoning the whole country north.

We are doing everything in our power to restore confidence and stop the excitement.

We are keeping out our scouting parties to watch the movements of the savages, who have given new cause for alarm, since our return. Two parties of Indians have recently appeared on the east branch of the Des Moines river, near the state line, in Kossuth county, about 40 strong. Another party of about like number has appeared on the west fork of that river. Two of the nine scouts sent out on the east branch are missing, and are supposed to be killed. Two settlers who had abandoned their homes at Big Island Grove, and who had returned to hunt up their cattle are also missing.

It is very evident from what has taken place that a great portion of the Sioux, if not all, are determined to be hostile, and sweep off the settlers, throughout the Northwest portion of our State and the South-western portion of Minnesota.

We labor under great difficulty from the want of arms and ammunition. We can raise the men, but we cannot arms.

At Algona in Kossuth County, and at Dakota City in Humboldt county, the citizens are fortifying.

Meetings are holden and committees appointed to address your Ex-

^{61a}Since Major Williams' letter was here set up I have found it in the *Democratic Press* of Chicago of May 5 with a date of "April 24."

cellency and also the General Government upon the subject of aid to defend this portion of the State.

I herewith enclose to you one of our papers which contains a full account of what has taken place.

Any order you may think proper to give will be carried out by me. I have done all in my power and shall continue to do so.

very respectfully W. Williams

Major Williams' letter to Governor Grimes calls for little comment. He repeats very explicitly his confident and persistent opinion that Inkpaduta's attack upon the settlers at the Lakes was part of a general attack upon our entire northwestern frontier. He asserts the presence of other Sioux war parties in the war zone and the death of other settlers subsequent to the Massacre of March 8. The widespread terror is recorded without qualification. The *Fort Dodge Sentinel* of April 27 contains an interesting letter that was an appeal for aid in what the writer felt to be an impending attack upon Algona and Irvington in Kossuth County. I give it as it was reprinted in the *Weekly Ottumwa Courier* of May 7, 1857:

Irvington, April 23d, 1857

Messrs Williams, Duncombe, and others,
Gentlemen:

Mr. W. H. Ingham writes us that there are 400 warriors, with Red Wing at their head, in the neighborhood of Spirit Lake, and advises us to prepare as fast as possible.

We are fortifying here at Algona. We want arms and ammunition and perhaps men.

We wish you to notify the people at Webster City of our situation and wants.

Yours in haste
(signed) George E. Smith

Mr. White, editor of the *Sentinel*, assures his readers that Messrs. Ingham and Smith are both "well known here and regarded as good men, upon whom every reliance may be placed." Five years later, after the attack on New Ulm in August, 1862, Governor Samuel J. Kirkwood gave Mr. Ingham a general commission to organize the inhabitants of the northwestern counties, and to "exercise any power I could exercise if I were present" in safeguarding the exposed settlements against Little Crow's miscellaneous war bands.

XII

The first natural reaction in the aftermath of the Massacre between the Okobojis was first, of course, a widespread general terror that a similar horror might occur at any moment in view of the fact that Inkpaduta and his murdering outlaws had escaped scot free from pursuit and punishment. During 1857-58-59 and 1860 the public mind in the country at large and in the state was chiefly concerned with the violent discussions of the slavery question, the Fugitive Slave Law, "Bleeding Kansas," John Brown's attack on Harper's Ferry, and the presidential election. The Civil War which soon followed naturally monopolized both public and academic interest.

Few of the state's latter-day chroniclers have noted the serious concern of the pioneers in northwestern Iowa and southwestern Minnesota between 1857 and 1861 lest their persons and property be attacked by the Indians. The local contemporary press, however, displays such concern, especially in the terrain affected. At times the displays suggest that the pioneers were in a state of "jumpy nerves" and in consequence easily imagined that they saw "Injuns" and heard "war-whoops." One latter-day chronicler tells us that the settlers of Kossuth County were so nervous that "sandhill cranes, flapping their wings and taking their customary sun dance on the distant hills, were frequently mistaken for the approaching Sioux, and prairie fires imagined to be the camp fires of that dread enemy."^{61b} But their nervous dread was clearly manifest and real, and sundry occurrences demonstrated that they had substantial reasons for their anxiety and fears.

The terrifying effect of the first reports of the destruction at the Lakes, and of rumored new Indian forays, is vividly exhibited in a few lines of a letter written at Fort Dodge, April 29, by George E. Spencer to Orlando C. Howe, who after his return to Fort Dodge from the Relief Expedition to the Lakes had gone to his old home at Newton.

Fort Dodge, April 29th.

Friend Howe

We leave here this morning for Spirit Lake. Parmenter & Wheelock^{61c} have 12 men & our party swells it to 20. . . . We shall have the County organized, [and] as soon as possible the Seat of Justice located. I shall not stay long at Spirit Lake this time but hurry to Sioux City.

^{61b}B. F. Reed, *History of Kossuth County, Iowa*, p. 278.

^{61c}B. F. Parmenter and Robt. M. Wheelock.

When we reached Boonsboro we found it filled with men, women & children from the Boone river. they told us that Fort Dodge had been taken by Indians & burned the night before & Webster City ditto. I never saw such a perfect panic & a greater pandemonium. We found the farm houses all up to Homer deserted but we were *very brave* you know & came along. There has been no Indians within 70 miles of this place. We had reports from Spirit Lake last night that there is no Indians there now. . . .

In haste faithfully yours

Geo. E. Spencer^{61d}

The writer of the letter, just quoted, was then actively associated with Orlando C. Howe, later district attorney and county judge of Dickinson County. Mr. Spencer's activity then and prominence later are suggested by the fact the county seat town of Clay County, Spencer, was named after him. He had a notable career in the Union Army and was United States senator from Alabama from 1868 to 1879.

The intensity and range of the excitement produced by the Massacre at the Lakes are strikingly indicated in columns of the *Democratic Press* of Chicago for April 23, 1857, in its headlines and summaries of the first reports from St. Paul whence the country first obtained authentic news of the Massacre. I reproduce first the headlines and summary in the first column of its first page:

More Indian Massacres
Rumored Destruction of Mankato
And Massacre of Inhabitants

Intelligence reached us yesterday from Minnesota that a band of six hundred Indians had been committing depredations near the South Bend of the Minnesota river and of a painful rumor that Mankato had been attacked, destroyed by fire, and many of its inhabitants cruelly murdered.

The Indians are said to be of the same band that committed the depredations at Spirit Lake, Iowa, about forty miles distant from Mankato.

^{61d}MS. letter. For the privilege of citing the letter above I am indebted to the consideration and confidence of Judge Orlando C. Howe's two daughters, Mrs. W. H. (Helen Howe) Cooke and Mrs. E. F. (Evelyn Howe) Porter, now residents of Lynn Haven, Florida. They have entrusted me with a number of MS. letters of Judge Howe's, written in February and March, 1857, throwing not a little light upon the dreadful events of the Massacre, together with a MS. account of his recollections of the journey to the Lakes when he and Messrs. Parmenter and Wheelock first witnessed the horrible devastation of the Massacre (see affidavit *ante*, pp. 439-440), his experiences on the Relief Expedition, and sundry letters written to Judge Howe by various ones prominently connected with the first days of Dickinson County. Some of the letters and memoranda I hope may be published in time. They throw various new lights on the events of the stark tragedy between the Okobojis.

The inhabitants of the surrounding country were flocking into St. Peters for security. . . .

Great panic existed throughout the various settlements in Big Woods around Mankato.

On the second or editorial page of the same issue of the *Democratic Press* appeared the following headlines of one account:

The Indian War in Minnesota
Dreadful Massacres at Springfield, Blue Earth Co.
Several Women Taken Prisoners by the Indians
Great Excitement at St. Peters and
St. Paul
Volunteer Companies Raised

Gen. James Shields, who in 1842 challenged Abraham Lincoln to a duel, was among those who raised a company of volunteers at Faribault to protect that and the neighboring communities. A letter of his to the *St. Paul Pioneer* of the 18th denied the general truth of the rumored attacks and murders, but it apparently did not stay the panic.

Dr. S. R. Riggs, the celebrated missionary among the Sioux, tells us that all the members of the mission station on the Yellow Medicine on the St. Peters, or Minnesota River, were put in a state of acute anxiety for months by reason of the Massacre at Spirit Lake, and the anxiety was widespread. "As a consequence of this Spirit Lake trouble," he says, "we lived in a state of excitement all the summer. At one time the report came that Inkpaduta's sons, one or more of them, had ventured into the Yellow Medicine settlement. . . . The excitement was very great, for Scarlet's End's family had friends among White Lodge's people at the Yellow Medicine. For awhile it was uncertain whether we were to have war or peace."⁶²

The nervous anxiety of the Minnesotans was reflected with equal certainty and intensity two hundred miles south of the Iowa boundary line. On May 9, 1857, a correspondent of the *Keokuk Gate City*, Mr. Isaac C. Dillon, writing from the state capital, Des Moines, reported the following which appeared in the *Gate City* May 14:

The people here were much alarmed last week, by very startling reports, from Fort Dodge, varying greatly in character, some even asserting that the place had been attacked by the Indians and all the

⁶²Riggs, *op. cit.*, pp. 141-43.

inhabitants murdered! A band of music paraded the streets for volunteers for rescue and vengeance, when in the midst of all the hubbub, a later arrival proved to be wholly uncalled for, nothing whatever having happened at the Fort to mar the peace and happiness of the Community.

Mr. Dillon's story had its origin in the vasty extensions of leaping imaginations of those who read Mr. W. H. Ingham's letter to Mr. George E. Smith quoted in the preceding section, some rumors saying, according to the *Fort Dodge Sentinel* (April 7, 1857), that 5,000 to 7,000 Sioux were sweeping down the Des Moines Valley.

The readers of *The Oskaloosa Herald* were informed, May 8, 1857, that conditions all along "the western border of Iowa and Minnesota" were seriously disturbed; "the excitement is very great, caused by the depredations of the Sioux Indians." It then gives the following particulars:

The Indians attacked Wawanton, Minnesota, on the 12th inst. and killed fifty-three of the inhabitants. Gen. Dodd pursued with a company of volunteers and killed seventy Indians—the Indians have threatened "that when the Grass should grow and the green leaves were on the trees, they would sweep the whites from the Blue Earth settlement."

Last week three hundred Indians made an attack upon a small town in Nebraska, but were repulsed with the loss of few lives.

Governor Grimes has taken active steps to protect the settlers on our western frontier.

What precisely Governor Grimes did at the time does not seem to be known, unless it was his letter to President Buchanan previously quoted, calling his attention to the reported attack upon the settlement at Spirit Lake.

The general state of terror in south central Minnesota is vividly described by a writer of a long letter, dated at Greenville, in Wabasha County, May 11, 1857, and printed in Horace Greeley's *New York Tribune*, Monday, May 25. The purpose of the writer was first, to deny that the Spirit Lake Massacre was the work of the peaceful, or better class of the Sioux, or those bands "under the treaty"; and second, to denounce the general treatment of the Indians by the whites. Portions of his letter relate to the subject here referred to and some of his observations are interesting:

This chief [Inkpaduta] has two daughters married among the "Yankton Sioux," which formidable tribe . . . are, if I mistake not, a portion of those Indians whom Gen. Harney has so severely chastised. This small band, headed by "Ink-ta-pu-dah" (sic) were beyond Mankato, and were passing along when a settler's dog attacked, and one of the Indians shot the dog. In the evening the settler got his neighbors together, went to the encampment of the Indians, took away their guns, tore down their tents, and drove them off with clubs. The Indians, as soon as they got at a safe distance, commenced the work of slaughter and reprisal. All this disaster and bloodshed [Spirit Lake Massacre] lies at the door of the half-drunken fools who assaulted the Indians. . . . This was not bad enough, but the volunteer troops, who assembled in hot haste, showed themselves ready to shoot anything in the shape of an Indian, guilty or not guilty. So, marching out of Mankato, they came upon "Red Iron's" band—a small company of friendly Sioux (who perchance had not heard of the affair) engaged in the peaceable occupation of sugar-making—and fired upon them, when the Indians fled in dismay, one of their number being shot through the elbow. The excitement was intense. The settlers beyond and around Mankato in many instances packed up a portion of their goods in wagons, and with their cattle and horses fled from the country forever. . . . They reported as they fled that they saw their cabins on fire, and that hundreds of Sioux were assembling to attack Mankato, St. Peters, and Traverse de Sioux. . . . The excitement spread as the settlers fled, and the people of Rochester were much alarmed, and the settlers around Faribault left their homes and came into town and camped for safety; and in consequence of the Raglan-like dispatches sent to St. Paul from St. Peters by a *terribly scared* man named "Hezlep," calling for "men, arms and ammunition for God's sake," the good people of St. Paul became quite alarmed for their own safety, and one of the papers published a startling cry, "To arms," and the people assembled and deliberated as to the propriety of raising troops to defend the city. St. Paul, you will recollect, is some hundreds of miles from the scene of the massacre, and the danger was not *very* imminent.

The writer of the letter just quoted, who signed himself "G. P. W.," wrote either in some confusion and haste, or in ignorance of events and places. His own locus in Wabasha County, on or near the Mississippi River, midway between Red Wing and Winona, was a hundred miles or more from Faribault, or Mankato. His knowledge of the western geography of the terrain involved in the disturbance was evidently misty and vague, for the *Tribune's* readers would naturally infer that the incident of the shooting the dog occurred between Mankato and Spirit Lake, whereas it took place near Smithland in the southeastern

corner of Woodbury County, a hundred miles southwest of Spirit Lake.

Further, he evidently confuses the affair with the dog with sundry other aggravating incidents prior to and following that clash to which Messrs. Fulton, Smith, and Teakle refer; and he does not mention, if he knew, the major incident at Smithland, namely, that the guns of the Indians were taken from them by the whites when the Indians were killing the elk found huddled in the snow in a ravine or valley near Smithland.⁶³ Finally we may ask with no little skepticism what warrant he had for asserting so dogmatically that the whole "disaster and bloodshed lies at the doors of the half-drunken fools who assaulted the Indians." The settlers were annoyed and aggravated and anxious, and they probably blundered in their effort to disperse them, but the writer should have had abundant and substantial proof for his sweeping assertion that their action was the insane performance of intoxicated frontiersmen.⁶⁴

The most extraordinary explanation of the immediate or precipitating cause of the Spirit Lake Massacre that I have come upon is found in the columns of Mr. A. B. F. Hildreth's *St. Charles Republican Intelligencer* of Charles City, under date of April 23, 1857. In cool, deliberate language in his first and only comment or notice of the catastrophe Mr. Hildreth says:

We learn from various sources that great excitement prevails in the counties west of us, consequent upon recent murders and outrages committed by the Indians living in the northern part of this state and southern Minnesota. We are not disposed to countenance those actions of barbarity, yet from what we learn, but little blame ought to be attached to the Indians. That the Whites have been the aggressors, none deny. Facts prove conclusively that the Indians have been deceived, persecuted and foully wronged. Designing men—civilized—Christians—have been among them, gained their confidence—and for what? To rob them of their independence! Furnishing them with rum, they could easily be induced to barter the results of a long winter of

⁶³Teakle, *op. cit.*, Chap. X, pp. 78-83.

⁶⁴Since writing the above, through the good offices of Mr. C. R. Marks, attorney of Sioux City, I have come into a correspondence with Mr. J. Wallace Adams of Smithland, where he has resided continuously since June, 1856, and still retains vivid memories of Inkapaduta's band's visit to his father's neighborhood in December, 1856. He was a lad of sixteen years when his father moved there in June of that year. He writes me that there was no trouble with the Indians until the disarming episode. Inkapaduta never visited his father's home, remaining in his tepee, morose and sullen; but the other braves and their squaws and children were almost daily visitors. The assertion of the *N. Y. Tribune* correspondent, quoted above, that the men who disarmed the Indians were "half drunk," Mr. Wallace denies specifically as wholly unwarranted.—Mss. letter, September 8, 1932.

successful hunting for that which was not even the shadow of an equivalent. But even this did not arouse the spirit of revenge which lives in every Indian's breast. It was not until a party of these plunderers set fire to a wigwam, in which was several intoxicated Indians, to whom the damning poison had been dealt out by the whites, and two of the number perished in the flames—that their spirit of vengeance was aroused. They determined on retaliation, and the result is, the innocent as well as the guilty have suffered. They have become blood-thirsty, and blood alone can satisfy their unforgiving and unrelenting spirits. . . . The most lamentable state of affairs exists in Webster, Dickenson, Joseph [Jackson?] and Palo Alto counties. Entire settlements have been broken up. Men, women and children are fleeing in every direction and are often overtaken and cut down with the murderous tomahawk, or shot with the rifle. . . . We have conversed with men who have come from the settlements where those outrages have been committed.

Mr. Hildreth was a scholarly New Englander and no seeker after sensations nor a monger of wild stories. Some of the men with whom he had conversed prior to writing his editorial notice of the Massacre had repeated to him his assertion about the holocaust of the inebriated Indians, but I have not encountered it among the many variant accounts of Inkpaduta's attack upon the settlement on the shores of Mde-Mini-Wakan.⁶⁵

XIII

For six or seven months following the Spirit Lake Massacre the contemporary local press contained few or no reports of the presence or prowlings of Indians in northwestern Iowa—save the one that so stirred the state capital mentioned in the next preceding section. But in November of that year members of some of the Sioux bands began again to descend the branches or vallies of the Big and Little Sioux rivers, and to follow game into the counties previously terrorized by Inkpaduta's band. How serious or significant their appearances and doings were it was not (nor is it now) easy for any one to appraise correctly. Those within the affected area over-emphasized their adverse import, and those outside were just as likely to discount or minimize their true nature.

⁶⁵Mr. J. Wallace Adams of Smithland writes me, September 13, 1932, that he cannot recall ever hearing of such a story, and he knows of no incident in Woodbury or adjacent counties, that would give currency to such a story as Mr. Hildreth reports in his editorial.

Mrs. J. F. Waggoner of Hot Springs, South Dakota, of the Teton Sioux, writes me (November 30, 1932) that she has recollections of such a story being current among her people when she was a girl, but she can give me no particulars as to dates, place, or persons.

Such migratory Indians, prowling about promiscuously, are more often than not, heedless, idle, irresponsible, reckless individuals, aimlessly seeking here and there anything on which they can lay hands, if they can do so without danger of punishment. Systematic hostility and gross depredations of a malevolent type are not usually in contemplation at the outset. But aggravations accumulate, and anon irritation suddenly flames into fire and bloodshed. Those who have endured much—and especially those who have suffered gross wrong—regard every Indian with alert suspicion and interpret their every act adversely. This state of mind was illustrated in the reports that came from Clay County in the later weeks of 1857 which produced some sharp reactions in the fore part of 1858 and effected legislative action in the General Assembly in session at Des Moines.

On January 14, 1858, *The Hamilton Freeman* contained the following from the pen of Jared Palmer, who was one of the first to view the slaughter and wreckage at the Lakes in March, 1857, going with Morris Markham to confirm the latter's story, which the people at Springfield, Minnesota, were much inclined to doubt at the outset:

INDIAN DIFFICULTIES

Little Sioux, Dec. 30, 1857.

Mr. Editor,—I hasten to inform you of the recent troubles with a party of Sioux Indians, on the Little Sioux river.

I am carrying the United States Mail from Spirit Lake to Sioux City—I left Spirit Lake Saturday the 29th ult., came to Mr. Ments, on the Little Sioux, intending to remain there over Sunday. But about 2 o'clock p. m. we got word that there had been seven Indians seen that morning about 12 miles up the river. We immediately collected together the men in the settlement (being eleven in number) and repaired that evening to Barnes' place, which is in the immediate vicinity where the Indians had been seen.

In the morning we proceeded to Mr. Bell's house, (Mr. B. and family having gone away to spend the winter intending to return in the spring, had left some of their furniture in the house) when at the house we found the door broken down and furniture destroyed; we then proceeded to Mr. Willcox's place, Mr. W. being likewise from home, we found that the house had been burnt. There were Indian tracks about the place and there had been no prairie fire near the house. We still continued our search for the red skins and found them about three miles from the last mentioned place encamped on a small creek. On our approach they fled and left their teepees and took posses-

sion of a ravine with timber and long grass in it, . . .; we found them to be eighteen in number; we advanced to within about forty rods of them and then halted to consider what was best to be done. While we were thus consulting, an Indian made his appearance at the edge of the timber and commenced hallooing and supposing he wished to communicate with us, I immediately handed my gun to one of my comrades and advanced several rods towards the Indians when several other Indians made their appearance and fired upon us. We returned the fire and kept it up till our ammunition was nearly exhausted, when considering the disparity in numbers and the advantage they had in the ground we concluded to return and get a reinforcement. We had one man slightly wounded in the hand. Whether we killed any of the enemy I cannot presume to say. It is expected that another company will be ready to go after them in a day or two. The people at Spirit Lake know nothing of the difficulty and much fear is entertained for their safety.

When will the eyes of Government be opened, or how long must the frontiers be drenched in *blood*?

Yours truly,

Jared Palmer.

Mr. Palmer had more than ordinary right to have his report accepted at maximum credibility and reliability. He had joined the Relief Expedition when he and the refugees from Springfield met Major Williams' command near the state line in April preceding. He had written a careful report of the massacre for Mr. Aldrich's *Freeman*, now one of our original sources of information. His periodic task as carrier of the mails between Sioux City and Spirit Lake gave him the best of chances to learn of the events in that sparsely settled area. His account we shall see met with immediate credence.

Mr. Palmer did not let the matter rest with merely communicating his information to the press. Knowing what the late horror between the Okobojs meant, and how heedless the public had been of previous warnings and appeals for help, Mr. Palmer proceeded to Des Moines and in person called the attention of the leaders of the state's major party to the danger threatening, and earnestly insisted upon some definite action on the part of the authorities to safeguard the helpless settlers against the danger of another attack. Mr. Palmer took with him to Des Moines a memorial signed by all the citizens or residents of the region immediately concerned, praying the legislature to authorize the governor to create a military troop of at least a hun-

dred mounted men that would afford that exposed region a mobile force which could be sent easily to exposed or threatened points with the minimum delay and the maximum energy.

Mr. Will Porter closes an editorial relating to the foregoing with the words, "There is no doubt but what those settlers are in danger. They should be protected."⁶⁶ Mr. Palmer's efforts were effective, as we shall see.

Among the men Mr. Palmer interviewed was the editor of *The Iowa Citizen*, Mr. John Teesdale, who besides being one of the foremost Republican editors of the state, was then Iowa's state printer, and potent within the counsels of the Republican party then in control of the state's government. He evidently not only made Mr. Teesdale listen to his recital of the then recent Indian foray, but he clearly compelled him to discern the need for some definite protective measures by the state's legislative and executive departments, for in the *Citizen* of January 19, 1858, appeared two different articles, showing that public alarm was becoming manifest. The first one was the publication of an editorial on Mr. Palmer's disclosures, which I reproduce, and second, of a letter of Mr. A. S. Mead to Major William Williams.

INDIAN DIFFICULTIES

Our readers are referred to a letter, published in another place, concerning the Indian disturbances in Clay County. A day or two since, we were introduced to a gentleman—Mr. Palmer—who had just arrived from the scene of the excitement. He informed us that some weeks since a party of Indians—supposed to be of the Sioux tribe—made their appearance in the settlement on the Little Sioux in Clay county. Two or three houses were entered and robbed; and one unoccupied building was burned to the ground. Other depredations were committed; but fearing an attack from the whites who were organizing for defense, the Indians retreated from the neighborhood.

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Clay county is very sparsely inhabited. Hardly a dozen families live in the entire county; and their unprotected condition, remote from populous communities, and unsupplied with the means of defense, has stimulated the savages to open acts of hostility.

Immediately after the retreat of the Indians, a small force, consisting of eleven men, started in pursuit. . . . [follows summary of Palmer's letter—q. v.]

The difficulties that have transpired in Clay, Dickinson and other counties of the North, indicate a purpose on the part of the Indians

⁶⁶*Iowa State Journal*, January 18, 1858.

to give the infant settlements on the frontier still further trouble. When the news came last winter, of the terrible butcheries committed in the vicinity of Spirit Lake, many of our citizens disbelieved the report. The idea of an Indian war in Iowa at the date of the Spirit Lake Massacre, was considered absurd; but the report of the Massacre was confirmed. Settlers were murdered and property wasted; and while people at other points were shaking their heads incredulously, outrages of the most fearful character were perpetrated.

A Letter dated January 11th at Spirit Lake, was written by Orlando C. Howe to Hon. C. C. Carpenter, informs us that the indications of a general invasion from the savages are numerous. The settlers for forty miles around are anxiously marking the course pursued by the residents at Spirit Lake; and in the event that the settlers near the Lakes move away to the more secure neighborhoods to the South of them, a general *stampede* will take place in the northwestern counties. Homes will be deserted, and a vast amount of valuable property will be left to the tender mercies of Indian pillage and hostility.

A result of this kind would be disastrous in the extreme. The frontier settlements, in their exposed condition, have a just claim upon the Government for protection. It is true that Fort Ridgely in Minnesota has been fortified by a detachment of the United States army; but removed as this Fort is from the scene of disturbance, it accomplishes nothing towards checking Indian aggressions.

The claims of sufferers in the Smithfield [Smithland?] massacre have never been recognized by the Government. A man by the name of Thomas . . . had one of his arms shot off; and a considerable amount of valuable property belonging to him was destroyed. He afterwards applied to the Government to render him assistance; but no recognition of his claims was made. A selfish Administration acknowledges no obligation to protect our frontier regions from hostile incursions, and the many who have suffered, or who will suffer, from the outrages of the savages, may expect but little sympathy and protection from the Federal Government.

It is a matter of justice to state, that the Governor of Iowa within the past two years, has repeatedly reminded the Administration of its duty to prevent, by decisive steps, the encroachments of the savages.—But it seems that the President has preferred to garrison forts that are not needed, and quarter an army upon Kansas to subserve his proslavery purposes, rather than to protect the citizens of Iowa from the murderous onslaughts of Indians. Not an Administrative finger has moved in cooperation with the Governor: and our outposts now are in as defenseless a condition as though there were no military power in the country.

The communication referred to by Mr. Teesdale was Mr. A. S. Mead's letter to Major Williams, that apparently had been forwarded to Mr. Teesdale for publication, or possibly brought

by Mr. Palmer to Des Moines to confirm his own contentions and plea, relates substantially the same facts presented in Mr. Palmer's letter to the *Hamilton Freeman*. Mr. Mead, like Mr. Palmer, had a right to speak on Indian depredations and outrages. His own family had suffered sadly in the preliminaries of the Spirit Lake Massacre, his wife and daughter having been beaten by Inkpaduta's braves and held as captives for a few days in February, 1857.⁶⁷

XIV

Among the persons conferred with by Mr. Palmer was C. C. Carpenter, the representative of Webster County in the lower house of the General Assembly then in session at Des Moines. Mr. Carpenter, it will be recalled, was one of the notable members of the Spirit Lake Relief Expedition in March-April, 1857. He did not need to be worked upon in order to arouse his interest in the problem and its dread possibilities. He did not permit any grass to grow under his feet, or dust to accumulate on his desk.

Governor Grimes's last message to the General Assembly, January 12, 1858, called particular attention to the exposed condition of the frontiers and the catastrophe at the Lakes which had resulted because of the lack of protection to the frontiers, notwithstanding repeated efforts on his part to have the matter remedied by the national government and then by the state. The letters of Messrs. Mead and Palmer suddenly brought the matter to focus. The House of Representatives, on Friday, January 15, 1858, appointed a special committee of five to consider the Governor's recommendations, of which committee Mr. Carpenter was made chairman. On January 20 the committee reported several bills, among others, House File No. 47, an act to authorize the governor to raise, arm and equip a company of men for the defense and protection of the frontiers. Under Mr. Carpenter's chairmanship the bill passed the House on January 26 without dissent. It was concurred in by the Senate on January 30 without dissent and was signed by Governor Lowe on February 9, 1858.

That act became Chapter 10 of the Acts of the Seventh General Assembly and the editor gave it the impressive title of

⁶⁷Smith, *op. cit.*, p. 61; Teakle, *op. cit.*, pp. 89-90.

"Standing Army." Under its terms the governor was empowered to raise "one company of mounted volunteers, to consist of not less than thirty nor more than one hundred men" which company is not to be called out save in case of "absolute" necessity. Mr. J. Palmer of Spirit Lake was specifically named in the act as the agent of the state to represent the chief executive in enlisting, equipping and organizing the company. The act became effective February 15.

Mr. Palmer did not allow any grass to start under his feet, because on or before the governor had signed the bill, he had proclaimed his plans and asked the public to forward the enlistments and the formation of the company. Mr. Aldrich was foremost in aiding him, as the following editorial note in the *Freeman* of February 11 may indicate:

HO! FOR SPIRIT LAKE!

The Company of mounted men, destined for Spirit Lake and vicinity, is now being enlisted in Hamilton and Webster counties. J. Palmer, Esq., of Spirit Lake, is the recruiting agent of the State, and is now giving his attention to that business. It is the intention of the act that the Company shall rendezvous at Fort Dodge. . . . All intending to enlist are requested to meet at Fort Dodge next Saturday.

For reasons, not quite apparent, nearly all of the company hailed from Webster City. The *Freeman* of March 4 gives us an account of the departure of the company, the new Spirit Lake Company as it was currently designated, and of a banquet at the Willson Hotel at Webster City and the presentation of a flag to its standard bearer.

The company left Fort Dodge on Tuesday, March 2. Mr. A. S. White, editor of the *Sentinel* of that city, expressed (March 6) the common feelings of its community, and his sentiments in view of developments later are interesting and instructive:

THE FRONTIER GUARDS—This fine body of men under the command of Capt. H. B. Martin, left our town on Tuesday last *en route* for their rendezvous at Spirit Lake. The Company numbers about 40, rank and file, and is composed of volunteers from Boonsboro, Homer and Webster City. Fort Dodge we believe is not represented. . . .

. . . for the "Guard," as men moving to the defense of our unguarded frontier, as fathers, husbands, sons, and brothers leaving "home, friends and kindred" . . . and that too for the paltry sum of \$45 *per*

month and find themselves, they are deserving of all the encomiums that can be showered upon them. Here's our hand.

Mr. White suggests no doubt as to the need or the wisdom of the Frontier Guards. There was no regional or factional opposition manifested against the creation of the guard at the time and there appeared no signs of doubt or discontent on the horizon when the guard marched out of Fort Dodge en route to the Lakes. That general approval should be kept in mind as a base line for measuring the public discussion which followed in the course of the next year.

XV

In the main we see the things that we are looking for. From time to time during the following spring, summer and fall months of 1858 the press of Northwestern Iowa published items of news, and extracts from letters, which indicated the constant concern of the pioneers in the possible and actual incursions of Inkpaduta's and other bands of Sioux. Thus Mr. Aldrich's account in the *Freeman* on March 4 of the banquet at Webster City to the guard on the eve of its departure closed with the following:

A letter from Spirit Lake, dated February 25th, states that Inkpaduta and his band are prowling about in that vicinity urges the immediate march of the Guard. If this proves true, the expedition will doubtless get a chance to do "the state some service" in good earnest. They are as noble a set of fellows as ever lived, and we trust that their patriotism may meet with a proper reward.

In the issue of the *Freeman* of March 25 under the caption "From Spirit Lake" a paragraph reports that the settlers about the Lakes saw signs of Inkpaduta's elusive, ubiquitous person and his followers, and they were painfully anxious to run him and his outlaw band to earth:

John Lyon and James Neary, soldiers of the "Army of Occupation" at Spirit Lake, arrived here on Tuesday last, after provisions. . . . They have scouted over the whole country and have discovered indications and evidence which prove conclusively that Inkpaduta's band has been prowling about the neighborhood during the winter. As soon as the grass starts, they will make an effort to hunt out and punish the savage old ruffian.

One of the primary facts in western pioneer life was the incessant public effort on the part of resident promoters, itinerant

writers, and sundry sorts of commercial agents to encourage immigration. The adverse effect of the Spirit Lake Massacre was clearly suggested in an interesting and scholarly article contributed to the *Iowa State Journal* of Des Moines, May 1, 1858, by one who signed himself "W. H. F." He gives an effective account of the physical features of the northwestern counties, of the stretches of prairies, of the streams lined with forests, of the numerous attractive lakes stocked with many varieties of the "choicest kinds" of game fish, and the favorite habitats of innumerable waterfowl. But in his title and several times throughout his article he refers to the public concern about the dread of Indian forays:

NORTHWESTERN IOWA—INDIAN DEPREDACTIONS, ETC.

Friend Porter:—At the present time North Western Iowa is attracting more general attention than any other portion of our State, and nothing but a general fear of massacres of the whites by the Sioux Indians will prevent a settlement of all the counties bordering on the Minnesota line. [Here follows some interesting descriptive paragraphs.]

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ITS DANGERS

The dangers of emigrating to North Western Iowa grow out of the fear of a general massacre by the Sioux Indians. This fear is the result of former outrages and present warlike demonstrations of the Yankton and Sisseton Indians.

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These outrages gave a great check to settlement and civilization: but few pioneers had the courage to commence a settlement during the past summer, and those who had, abandoned them in the fall, and returned this spring to find their houses burned and plundered by the same Indians.

This region affords such facilities for hunting and fishing, for plunder and violence and sure retreats for bands of savages—the Missouri a refuge—the vast country, with its lakes and groves and impenetrable thickets—the prairies, with their unequaled growth of grass and wild rice affords places of concealment and inducements for savages to become hostile; and just as certain as winter succeeds autumn, unless our State or the United States shall establish a military post in that section of the State to protect the frontier settler—similar massacres will occur for years to come. . . .

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Ink-pa-du-tah is an old and favorite chief among the Sioux, and not an outcast as many represent—but allied by relationship to many of

the leaders of the bands of the Yankton and Sissetons, and can at any moment command a host of warriors or precipitate a general war between the Sioux and the Whites.

Let those whose cold philosophy leads them to think lightly of efforts to secure the protection of our frontier settlements, pay a visit to the places of massacres and plunder of the last two winters . . . and examine the blood-stained floors, and have some eye witness recount to them the horrid mutilations of the bodies of old women and hoary men, of innocent children, . . . and knowing that similar outrages must and will occur for years to come, unless our State or nation should interpose protection, and my word for it, they will demand as a *right*, efficient protection.

Our State can send arms and munitions of war to the Free State men of Kansas; the General Government can send troops to protect the same Territory; but when our own citizens are stricken down on their own hearthstones it is thought magnanimous and praiseworthy to send out *an army of thirty men* for two months to protect our frontiers and subdue the Sioux nation, armed with muskets manufactured at Harpers Ferry in 1825, and a less amount of lead and powder than a hunting party of half a dozen men would take on an ordinary hunting excursion.

W. H. F.

Several facts stand out in the foregoing article or letter from W. H. F.'s pen that are worth noting in passing.

The writer, apparently, was not a land agent or land speculator, at least if he was such he was not an ardent boomer or aggressive propagandist. There was a scholarly balance and reserve in his narrative that suggests the careful observer and experienced traveler.

The article's appearance in Mr. Porter's *Journal* at that time induces divergent observations as to its political significance. From one angle it seems to have had little or none, for the General Assembly had adjourned and it could have no bearing upon the legislative debates relative to creating the "Frontier Guard," which, as we shall see, became the center of an acrimonious discussion. From another angle point Mr. Porter seems to sanction a sharp fling at the national administration (of which he was an ardent and vigorous supporter) for its failure to provide Iowa with adequate protection against the Indians. This notable contrast excited much bitter comment then and later.

The menace of Indian attacks upon Iowa's northwestern frontier counties was assumed to be an imminent danger that few or

none in that region doubted, however much the probabilities might be scouted in the older portions of the state.

The writer's assertion about Inkpaduta's popularity and influence warrants two inferences—either that the notorious outlaw, while not countenanced at the council fires of the Wahpetes or at the federal council fires of the seven bands of the Sioux, was potent, nevertheless, in their common life, and any extraordinary or concerted effort to mistreat him or his bands might precipitate a general outbreak, as Dr. Riggs' *Memoir* and Mrs. Sharp's *Reminiscences* clearly disclose; for his achievement at Spirit Lake had made him a hero among the Sioux and his person summed up the red man's hatred of the whites.

Further, the writer's prediction of continuous trouble if the state or the national government did not institute adequate measures for the protection of the exposed counties was verified in the subsequent careers of Inkpaduta, Little Crow, Crazy Horse, Gall, Rain in the Face, Red Cloud and Sitting Bull, and it was demonstrated with horrible conclusiveness.

XVI

Public interest was whetted in June, 1858, by the report that Inkpaduta had been captured on the Yellow Medicine near Fort Ridgely. *The Sioux City Eagle* of June 12 informed its readers that according to the *St. Peters Free Press* "the celebrated Indian Inkpadutah has been captured," on "the prairie, a short distance back of this place! At present he is held a prisoner here. It is not yet determined what disposition shall be made of him." Unfortunately the report was the issue of an active imagination and a fertile hope. Inkpaduta was, as Dr. Riggs has already told us, in the neighborhood as rumor had it, but he had so many friends among the "treaty Indians" thereabouts who kept a sharp lookout for his enemies and pursuers and kept him so advised that when Lieutenant Sheean thought he could lay his hand on the ubiquitous Sioux chief, the wily outlaw was not there.

During the summer and fall of 1858 there were not many rumors as to Indians either frequenting or molesting the settlers, but here and there reports were current. On November 27 the *Sioux City Eagle* had an editorial entitled, "Fears of the Indians," in which it is stated that Indians had recently appeared

again within the environs of Spirit Lake, and Miss Abbie Gardner (then Mrs. Sharp) is alleged to have recognized some of them as members of the Sioux band or bands associated with her captors.

A week or more later the *Sioux City Register* (December 9) under the heading "Indian Troubles" informed its readers that various reports of Indian incursions were appearing in the press of the eastern part of the state and that in consequence Governor Lowe had again ordered the Frontier Guard to "the scene of the threatened difficulties." The writer of the editorial, Mr. F. M. Ziebach, was frankly skeptical as to the truth of the rumors and pronounced the governor's action "premature, if not altogether unnecessary." There were enough settlers in the lake region to protect themselves against the "unfriendly savages in that part of the state." The settlers, he bluntly stated, "are too lenient with the thieving dogs. If they would unite and make an *example* of a few of the leaders of these marauding bands . . . their troubles would soon cease. . . . There is no policy in mincing matters with Indians." Mr. Ziebach might have been reminded that such drastic treatment, as he commended, had been resorted to at Smithland, nearly two years before with unexpectedly disastrous results.

In the *Register* of December 18, 1858, Mr. Ziebach printed with no little satisfaction the substance of an extended letter of Dr. J. S. Prescott to the *Free Press* of Newton, Jasper County. Dr. Prescott was a resident of Spirit Lake, the purchaser of the Gardner and other claims (concerning which more later). In blunt language he denounces as a canard the story that Indians were threatening the peace of the lake settlement, and he declares that during the past year he had traveled through the entire northern stretches of Iowa and southern Minnesota, between La Crosse, Wisconsin, and Sioux City and he had seen and had heard nothing of hostile Indians. He scouts the Abbie Gardner story referred to above and brands the stories taken to the governor by a "special messenger" as "dispatches of his own concocting" and his unwarranted reports "exhibit a wantonness of wickedness rarely met with." With utter contempt he concludes: That "a troop of soldiers should be sent to watch the faint trail of three Indians and a couple of squaws [those

mentioned by Mr. Gaylord] speaks not much for the bravery of some seventy men, with weapons so numerous that our wives threaten to throw them into the lake as nuisances in their way."

Again, it is pertinent to observe that the fact that Dr. Prescott did not see or hear of any Indians while he was traveling throughout the northern counties, was equally true of Dr. Isaac Harriott; he apparently never thought of them, and saw none that he deemed hostile—but suddenly he and forty associates were slaughtered.

Mrs. Sharp tells us in her *History* in which she has incorporated her reminiscences of the days and months following her captivity and release from her Indian bondage, that she revisited the scene of her family's tragedy some eighteen months after her marriage in August, 1857. This return visit occurred in the midweeks of February of 1859. While at the Lakes she relates (p. 278):

While we were there, an intense excitement was raised on account of the reports of the presence of hostile Indians in the vicinity. One man came in and reported that he had been shot by an Indian. The next day a small party of Indians was discovered approaching the town. They were halted a short distance from the place, and I went out to see if they belonged to Inkpaduta's band. Had I recognized any of them the citizens stood ready to shoot them down. As they were not the marauders, they were allowed to depart; but they were not permitted to enter the town, as they were believed to be spies trying to find out the situation of the settlers.

United States soldiers had been ordered to the lake to give security to the settlement for the winter, and were expected soon. In the meantime, the citizens stood guard at night, and for days nothing was thought of, or talked about, but the Indians.

Mrs. Sharp's recollections as to dates do not coincide exactly with those indicated in Dr. Prescott's letter cited in the *Sioux City Register*, but the basic facts are substantially the same. Her reference to the coming of national troops refers to an incident to be mentioned in the next section.

XVII

Developments in 1859, and especially the progress of discussion, illustrated Herbert Spencer's Law of the Rhythm of Motion. Governor Lowe's reordering of the Frontier Guard to the Lakes started a discussion that soon became a variegated affair

shot through with partisan political prejudices and recrimination. What precisely induced it I cannot say, but various miscellaneous facts or items may give us parts of the explanation.

In 1858 and 1859 the people of Iowa were in the midst of the sorry reactions from the panic of 1857 and the general financial and industrial depression resulting. Low prices, delinquent taxes and debts harrassed the average citizen sadly. The critics of the "party in power" were looking for needless expenditures and ready on the slightest impetus to cry to the heavens in protest and scorn.

Petty items may also account for adverse drifts. Mr. Will Porter, who commended the governor's sending the Guards, told the public that "the troops" "are there in comfortable quarters"; that "they pass away the time as best they can"; and the company physician, Dr. Farner, "not having any special calls for his medical or surgical science is reported as being busily engaged in catching fish and slaying game."⁶⁸ The editor of the *Acts and Resolutions*, Seventh G. A. (1858) gave Chapter 10 the ponderous title, "Standing Army." Mr. Aldrich at times referred to the Frontier Guard as "The Army of Occupation."

Tragedy and comedy are cheek by jowl in ordinary life. It was not long before Democratic partisans began to throw bricks, sticks and stones and facetious flings at the "Army of Occupation." On March 19, 1859, A. S. White, editor of the *Fort Dodge Sentinel*, under the terrifying heading, "Startling Indian Rumors from Spirit Lake," printed a letter from that point written by one G. H. Bush under date of February 2, 1859, which begins: "One little, two little, three little Indians, with their sires and dams have been taken prisoners here by the immortal Guard stationed here." Two of those arrested by Capt. Martin were alleged to be members of Inkpaduta's band. Mr. Bush scouts the truth of the charge. He closes his letter with: "The state is uselessly burdened by the stationing of troops at this point."

As Mr. Bush was an agent and a stout partisan of Dr. Prescott in the local conflicts, which were many and almost constant, keeping the community incessantly wrangling, his words represent a partial judgment. It was a weather signal, however, of a growing discussion of the need or wisdom of keeping the "Army

⁶⁸*Tri-Weekly Iowa State Journal*, March 22, 1858.

of Occupation'' at the Lakes. Mr. Will Porter of the *State Journal* apparently joined the critics of the governor and drew from Mr. Charles Aldrich's pen the following sharp editorial in the *Hamilton Freeman* (April 2, 1859):

SPIRIT LAKE MATTERS

Recently we hinted that certain individuals whose extraordinary courage had prevented their stay at Spirit Lake during the past winter, had gone up and down the State, denying that any necessity existed for calling out the troops, &c. requested the *State Journal* to put the suggestion in its pipe and smoke it. It copies our brief paragraph, which it makes the text of a column of abusive and irrelevant comment upon the action of the Governor. . . .

This subject has been very fully discussed by the press of this State, and the People are everywhere satisfied that the action of the Governor was eminently just and proper. . . . We . . . propound a few questions to the *Journal* . . . to which we hope it will give categorical answers:

1. If there is no need of protecting our exposed frontier, why have Senator Jones and other leading Democrats exerted themselves to the best of their ability to secure the establishment of a military post at Spirit Lake, by the General Government?

2. If protection from the General Government would be right, and proper, how does it happen that protection from the State is all wrong?

3. Granting that there has been danger of savage incursions heretofore, (as in 1857, when 50 to 60 people were brutally butchered) what evidence has the *State Journal* that that danger has ceased to exist?

4. Had Gov. Lowe refused to call out the troops, would he not in case of Indian troubles on the frontier, receive the condemnation of the Democratic press everywhere?

5. Does the *State Journal* wish to be understood as denouncing Maj. Williams, Judge Smeltzer, of Clay Co., and other prominent Democrats who have lived many years on the frontiers, who speak from actual knowledge in the premises, and who have fully sustained the action of the State Government?

6. Were Iowa only a Slave state would not its frontiers have bristled with Federal bayonets ever since the massacre of 1857?

The *State Journal* will confer a great favor by presenting the People of Iowa with straightforward replies to these pertinent queries.

Mr. Aldrich was nothing if not clear-cut and forthright. He struck straight out in front of him. In every line and word one may discern or sense the prejudices and suspicions and tactics of ardent political partisans, alert and active in maneuvering for advantage in the ceaseless struggle of men for place and power. The Massacre between the Okobojis was merely a radiant angle point in the give-and-take, in their thrusts and parries.

It would be interesting if we could canvass Mr. Porter's rejoinders to Mr. Aldrich's pithy and pointed questions, but unfortunately the files of the *State Journal* for April and May of 1859 are not available, so far as I can discover.

Mr. Bush's caustic letter and Rev. Prescott's much quoted letter with its animadversions upon the use of troops at the Lakes brought a broadside from Captain Martin that Mr. Aldrich printed at length in the *Freeman* of April 16. The air was full of darts and missiles. Acrimonious debates which the local rivalries in and about Spirit Lake had kept everybody in a state of intermittent high heat levels for the major part of two years following the Massacre. They related in large part to conflicting "claims" to land, a sawmill site, and saw logs. Writs of replevin, injunctions and sundry judicial processes made life fast and furious among the energetic pioneers of the environs of the Okobojis.⁶⁹ One can perceive some of these facts on the edges in the following sharp observations and comments of Captain Martin which follow:

LETTER FROM SPIRIT LAKE

Mr. Editor: I notice in the Fort Dodge *Sentinel* of the 19th instant [March] a communication from this place over the signature of G. H. Bush, to which I wish to make a brief reply.

Since the Guards have been in service, the "Sentinel" has published with avidity, statements in reference to Spirit Lake affairs by every *poltroon* who would degrade himself by writing for its columns. But well knowing the character of that paper and the little influence which it is capable of exerting with the public I have heretofore passed in silent contempt its petty efforts to libel and abuse the officers and soldiers of my company, and the pioneers of the Frontier who petitioned the Governor for protection. And I would not now condescend to notice anything which has appeared in that subservient sheet, were it not that the correspondence above alluded to, purporting as it does to emanate from a citizen of Spirit Lake, is calculated to mislead those unacquainted with the character and motives of its author. Mr. Bush, after willfully misstating the facts concerning the capture of the Indians recently taken prisoners by the Guard, says: "A very great effort has been made to prove that two of these Indians are or were members of the celebrated Ink-pa-du-tah's band," thus conveying the impression that I endeavored, regardless of means, to procure testimony convicting the prisoners—which is a base falsehood. The facts in the case are as follows: A day or two after the prisoners were captured, Messrs. Chiffin and Dodgson, residents of Brown county,

⁶⁹Smith, *op. cit.*, pp. 202-7.

Minnesota, while passing through this place on their way to the Little Sioux River, learned that we had captured some suspicious looking Indians, and expressed a desire to see them, and were conducted to the Indian lodge by Lieutenant Church. On seeing the Indians they immediately recognized one of them as a member of Ink-pa-du-tah's band; the Indian also recognized *them* and acknowledged through the *Interpreter* that he had seen them before. As soon as I learned this, I caused the accused Indian to be placed under close arrest and requested a citizen of this place to obtain the testimony of the witnesses in writing, which they willingly gave affirming to the same before a magistrate. The other Indian was arrested on testimony voluntarily given by H. M. Weltfong who has long been a resident of the frontier, and has seen every one of Ink-pa-du-tah's Indians.

These were the "great efforts" made to obtain evidence against the *poor* Indians. And as to the reliability of the affiants I would state that Chiffin and Dodgson are of the class of pioneers met with in the west who have become inured to hardship, court danger, and value honor more than life, and they will no doubt bring the poltroon, Bush, to a strict account for his cowardly attack on their reputation. They have been engaged in trapping on the Des Moines river (in the vicinity of Springfield) for several years, were there during the troubles of '57 and previous to that time had traded for months with Ink-pa-du-tah and his followers, and are perhaps better qualified than any other persons living to recognize and point out the members of that band of Indians.⁷⁰ With Mr. Weltfong I am not so well acquainted, but will consider him "reliable" until he is impeached by better testimony than Mr. B.'s opinion.

[The writer then insinuates that Bush was the tool of one who had fled when the recent scare was on and that Bush too had tried to get away. He then concludes:]

Now I do not wish to meddle in any manner with the claim broils, or neighborhood disputes of this or any other community—they are mere personal affairs which exist in all new countries—but I do not consider it just that a whole Frontier should be deprived of protection, because one man asserts that there is no danger; for it is a notorious fact that with the exception of J. S. Prescott and his hirelings and dependents, every inhabitant of Dickinson county is solicitous for the continual presence of troops here, and would feel insecure and unsafe without them; and if the Guards were recalled at this time, many settlers would abandon their homes.

Very Respectfully yours,

Spirit Lake, March 31, 1859.

Henry B. Martin.

⁷⁰Messrs. Chiffin and Dodgson lived near the Springfield settlement. Henry Chiffin had a cabin about a mile north on the east or left bank of the Des Moines River and Mr. John Dodgson had his cabin about a mile west of Woods Store located on the right or west bank. The tepees of Umpashota's camp were midway. Henry Chiffin was one of the messengers sent by the settlers to Fort Ridgely to ask for troops when Morris Markham brought the news of the Massacre to the Springfield settlement.—Smith, *op. cit.*, pp. 113, 197-198. For location of their cabins, see map, *ante*, p. 252.

Any one familiar with the recklessness of aspersion in communal and partisan dissention will sympathize with Captain Martin's resentment of the public treatment to which he was subjected. The militia, precisely as is the case with artillery, we seldom need to call into action, and we never want to do so; but when we do need either or both we need them suddenly with certainty and dispatch; and in consequence the troop must for the most part simply stand at attention, hold the fort, and pass their time in drill and constant preparedness, biding the contingent time of public need. In the miserable muddle, which the bitter and incessant contenders for power or preference had produced, legal processes were either ignored or defied. Mr. Smith informs us that Captain Martin was called upon to maintain the authority of the sheriff in executing a writ and came very near a serious clash with the followers of Dr. Prescott. These controversies and clashes were almost all the consequential incidents of Inkpaduta's massacre of the original settlers between the Okobojis.⁷¹

Captain Martin's experiences with the various bands of Indians that came within the region under his supervision were far from serious, although in the then nervous condition of the settlers he must needs deal with them summarily. The two Indians mentioned in his letter just quoted he decided to send under guard to Des Moines for investigation, but en route they managed to escape from their guard much to the delight of the cynical critics of the "Standing Army." The remainder of the band Captain Martin escorted to the Minnesota border and ordered to return to the agency on the Yellow Medicine. Another band under an aged chief, Bad Hail, came down the Little Sioux and camped west of Milford and gave the settlers another scare and they were brought in under guard; and guards and settlers then had a mixture of fright, fun and hocus-pocus curing a sick squaw who chiefly engaged the concern of army and community. This band was escorted back to the Minnesota border and told to go north and stay there. Finally much excitement was caused by the discovery of Chief Umpashota with his squaws and a few followers at the head of Spirit Lake. They were surrounded and brought into the fort. Captain Martin de-

⁷¹*Ibid.*, p. 203.

cided to send Umpashota to Fort Dodge. Lieutenant Church was detailed to escort him and his band. Appreciating the aggravating perplexities that would ensue Lieutenant Church, when he reached Gillet's Grove, decided to let his prisoners go on their promise to stay away from the lakes. It is not disclosed in the local annals whether or not he suffered court-martial for his exercise of extraordinary discretion in the premises. Tradition has it that every one was satisfied.^{71a}

(To be concluded)

^{71a}*Ibid.*, pp. 198, 199, 200, 205.

TOASTS AT A FESTIVAL IN 1858

We clip the following toasts from the *Des Moines Citizen* that were given at the Printers' Festival, held at the Collins House on Monday evening last:

Benjamin Franklin—The statesman, the philosopher, the patriot, the printer. By ingenious perseverance he grasped the lightning's fiery wing, established in our land the press, and transmitted to us the benefit of a noble example.

The Editors' Fraternity—Doorkeepers in the Temple of Freedom and Liberty, and pilots on board the Ship of State. When internal tempests approach they calm the troubled waves.

Iowa—The Western Empire State, the infant prodigy, the nation's pride. May she always shine, a bright star in the galaxy of states!

Des Moines—The Infant Capital. May the hand of progress mark her onward course, and may she wear with honor the name and position she has assumed.

Printers and Editors—The engineers and conductors who direct the train of thought to every house in the country.

Woman—The edition being extensive, let every man possess himself of a "copy."—*Montezuma Weekly Republican*, Montezuma, Iowa, February 20, 1858. (In the Newspaper Division of the Historical, Memorial and Art Department of Iowa.)

A BIT OF JUDICIAL HISTORY PERTAINING TO JASPER COUNTY, IOWA (93 YEARS)

BY HENRY SILWOLD

A bit of curiosity about the question as to who had held the office of clerk of the District Court of Jasper County, Iowa, discussed recently between members of the local bar, has led to a little broader investigation into related matters.

By Section 9 of the Organic Law enacted by the Congress, June 12, 1838, which constituted the territory of Iowa after July 3d of that year, it was provided that "The judicial power of the said territory shall be vested in a Supreme Court, district courts, probate courts and justices of the peace. The Supreme Court shall consist of a chief justice and two associate judges, any two of whom shall be a quorum, and who shall hold a term at the seat of government of the territory annually; and they shall hold their offices during the term of four years. The said territory shall be divided into three judicial districts, and a District Court or courts shall be held in each of the three districts, by one of the judges of the Supreme Court, at such times and places as may be prescribed by law; and the said judges shall, after their appointment, respectively reside in the districts which shall be assigned to them." These district courts were both territorial courts and courts of the United States the same as our federal district courts of today, and the first six days of each term, or so much thereof as was necessary to transact their business as federal courts, was required to be used to dispose of such business as arose under the Constitution and laws of the United States. A marshal was provided to enforce the orders and judgments of these courts when functioning as federal courts. An attorney was provided for the territory to represent it (as an attorney general).

By Section 11 of the same act it was provided "that the . . . chief justice and associate judges, attorney and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the president of the United States." Section 7 of the act provides that the governor of the territory shall appoint the sheriffs by and with the consent of the Legis-

lative Council (which occupied the place of the present state Senate).

The judges of the Supreme Court of the territory of Iowa thus constituted were Charles Mason of Burlington, Joseph Williams of Muscatine (then known as Bloomington), and Thomas S. Wilson of Dubuque (then spelled Du Buque). Joseph Williams was judge of the Second Judicial District and the part of the country out of which Jasper County was carved was a part of that district. By Section 1 of Chapter 101 of the Acts of the territorial legislature, approved January 17, 1846, the then created Jasper County was specifically placed in that district. And it was in his capacity of district judge that said Joseph Williams is said to have wandered into Jasper County in the month of April, 1846, to hold a term of the District Court in the dwelling house of Matthew D. Springer, in what is now Buena Vista Township, as the territorial legislature had provided. Newton was not then on the map. There is no official record of any court proceedings having been had at this time; but a history of Jasper County published in 1878, when many of the pioneers were living, states that "A grand jury was summoned with some difficulty, for there were not over fifty voters in the county. Springer had built a temporary cabin the Fall before, in which he had wintered, and had just completed an addition to the structure, so that, considering the development of the county, he had ample room for court purposes. John A. Kinsman was appointed clerk of the court at this time."

A grand jury was impaneled and retired a few paces from the cabin so as to be by themselves, probably "deliberated" for a few minutes and returned to report "no bills found." No petit jury was summoned. In his instructions to the grand jury Judge Williams is said to have used this language: "Gentlemen, in your deliberations you must not lose sight of the fact that Jasper County has no money yet. I would hint to you, also, that there are plenty of black hickories." The writer of the foregoing history seems to have been informed by an "eye witness," who thought that the judge meant to suggest that in case of larceny a judicious application of "hickory oil" would induce offenders to leave. The writer suspects that Ballinger Aydelott was probably the "eye witness."

By the act of the territorial legislature organizing Jasper

County it was provided that Richard Fisher of Wapello County, E. M. Kirkham of Davis County and Thomas Henderson of Keokuk County should be the commissioners to locate the county seat of Jasper County. Two of them, Henderson and Fisher, appeared before Ballinger Aydelott, a justice of the peace, and took their oath to "faithfully and impartially locate the county seat according to the best interests of the county, taking account of the present as well as the future population of the county." On May 25, 1846, they filed their report with J. N. Kinsman, clerk of the District Court, in which office the document is preserved. This document reads:

Territory of Iowa, Jasper County:

The undersigned commissioners appointed By an Act of the Legislator of the Territory of Iowa, passed at the session of 1845-6, providing for the organization of the Counties of Jasper and Polk Counties, after having been Duly qualified agreeably to the provisions of Said Act, faithfully and impartially to locate the Seat of Justice of said Jasper County and having examined the Situation of said County have Agreed, and doe hereby Locate and Establish the County Seat of said Jasper County on the northwest quarter of section (34) Thirty-four, Township eighty (80), of Range nineteen (19). Witness our hands this 14th day of May, A. D. 1846,—and further Doe Give the Seat of Justice of said County the name of Newton City.

Thomas Henderson

Richard Fisher,

Commissioners to locate the Seat of Justice
of Jasper County, Iowa Territory.

Section 1 of Article V of the Constitution of 1846 provides: "The judicial power shall be vested in a Supreme Court, district courts and such inferior courts as the General Assembly may from time to time establish."

Section 2 of the same article provided: "The Supreme Court shall consist of a chief justice and two associates, two of whom shall be a quorum to hold court."

Section 3 of the same article provided: "The judges of the Supreme Court shall be elected by the joint vote of both branches of the General Assembly, and shall hold their courts at such time and place as the General Assembly may direct, and hold their office for six years, and until their successors are elected and qualified, and shall be ineligible to any other office during the term for which they may be elected. . . ."

Section 4 of the same article provided: "The District Court shall consist of a judge, who shall be elected by the qualified voters of the district in which he resides, at the township election, and hold office for the term of five years, and until his successor is elected and qualified, and shall be ineligible to any other office during the term for which he may be elected. . . ." The township election was held on the first Monday in the month of April.

Section 3 of Article V of the Constitution of 1857 requires that the judges of the Supreme Court shall be elected by the qualified electors of the state, and their term of office continues at six years. Section 1 of the same article provides that "The judicial power shall be vested in a Supreme Court, District Court, and such other courts, inferior to the Supreme Court, as the General Assembly may, from time to time, establish." Section 5 of the same article provides "The District Court shall consist of a single judge, who shall be elected by the qualified electors of the district in which he resides. The judge of the District Court shall hold his office for the term of four years, and until his successor is elected and qualified; and shall be ineligible to any other office, except that of judge of the Supreme Court, during the term for which he was elected."

Section 10 of the same article provides that "The state should be divided into eleven judicial districts." There were the further provisions that no legislature should increase the number of districts by more than one, and, of course, the number of judges could be increased only by the one for the new district.

JUDICIAL DISTRICTS

Under the Constitution of 1846 the First General Assembly, by Chapter 26 of its acts, approved February 4, 1847, Jasper County, with Johnson, Linn, Benton, Iowa, Polk, Poweshiek, Dallas, Tama, Marshall, Story, Boone, and all counties west, were created the Fourth Judicial District. And from other sources we learn that while Jasper County was a part of this district James P. Carlton of Iowa City was the judge. Terms of court were ordered held in Jasper County on the third Mondays of March and September of each year. As far as the court records reveal this judge held no court in Jasper County.

By Chapter 57 of the Acts of the Second General Assembly

of Iowa, approved January 12, 1849, the legislature constituted the counties of Appanoose, Wayne, Decatur, Ringgold, Taylor, Page, Fremont, Monroe, Lucas, Clarke, Marion, Warren, Madison, Jasper, Polk, Dallas, Marshall, Story, and Boone, as the Fifth Judicial District. William McKay of Des Moines was elected judge of this district on the first Monday of April, 1849. Phineas M. Casady of Des Moines was elected his successor five years later but resigned to accept a more lucrative office. J. C. McFarland of Boonesboro was elected to fill the vacancy under constitutional and statutory provisions. A little local history of his official career is related elsewhere herein.

By Chapter 2 of the Acts of the Sixth General Assembly of Iowa, approved December 10, 1856, the counties of Jasper, Poweshiek, Mahaska, Marion, Polk, Dallas, and Madison were constituted the Eleventh Judicial District, and William M. Stone of Knoxville became the district judge of this district while it lasted. On March 20, 1858, the Seventh General Assembly of Iowa constituted the counties of Jasper, Marion, Poweshiek, Mahaska, Keokuk, Washington, and Jefferson as the Sixth Judicial District. William M. Stone became the first judge of the new district. Other judges of the District Court of this district have been: William Loughridge of Oskaloosa, 1861-1866; Ezekiel S. Sampson of Sigourney, 1867-1874; Horace S. Winslow of Newton, 1875-1878; John C. Cook of Newton, 1879-1882; J. Kelly Johnson of Oskaloosa, 1883-1894; David Ryan of Newton, 1887-1898; William R. Lewis of Montezuma, 1887-1890; Almon R. Dewey of Washington, 1891-1902; Ben McCoy of Oskaloosa, 1895-1898; William G. Clements of Newton, 1899-1910; John T. Scott of Brooklyn, 1899-1906; Byron W. Preston of Oskaloosa, 1903-1912; Kleber E. Willcockson of Sigourney, 1907-1918; John F. Talbott of Brooklyn, 1911-1918; Henry Silwold of Newton, 1913-1918; Henry F. Wagner of Sigourney, 1919-1927; Charles A. Dewey of Washington, 1919-1928; Daniel W. Hamilton of Grinnell, 1919-; Frank Bechly of Montezuma, 1927-; James F. Patterson of Oskaloosa, 1928-. The last three are now serving.

By virtue of Article V of the Constitution of 1857 requiring the District Court to consist of a single judge, and restricting the legislature to an increase of a single district and but a single

judge in any one session, but authorizing the creation of a court inferior to the Supreme Court, the General Assembly in 1866 created the Circuit Court to consist of two circuit judges in each judicial district, the districts being divided into two circuits, with a judge elected for each circuit. Jasper County with Malheur and Marion counties composed the Second Circuit of the Sixth Judicial District. And these circuit judges were elected at the November, 1866, general election for terms of four years, their term as fixed by the legislature. This Circuit Court was given original jurisdiction in "all matters relating to the probate of wills, the appointment and supervision of executors, administrators, and guardians of minors, idiots, and lunatics, the settlement of decedents' estates, and the care of the estates of minors and insane persons, and all others under guardianship; and all proceedings for the examination or settlement of accounts of executors, administrators and guardians; all applications for the sale of real estate belonging to minors, or persons under guardianship; the issuing of marriage licenses; and all proceedings under Article I, Chapter II of the Revision of 1860, and of all other actions and proceedings of which the county judge or County Court now has jurisdiction." The court also was given concurrent jurisdiction with the District Court over enumerated matters. The same act abolished the County Court.

By the same statute the General Assembly also created what it was pleased to call General Term Courts, modeled after the New York system of courts, each of said courts to consist of the district judge and the two circuit judges of the judicial district. It was an intermediate appellate court. Judgments and decrees were taken to it for review from the district and circuit courts of the district, and from it appeals were taken to the Supreme Court. This court was required to hold not less than two, nor more than four "general terms" in the judicial district each year. This General Term Court was in existence just a year and three months, as the next legislature abolished it and sent the appeals then pending in it direct to the Supreme Court by legislative fiat. After the abolishing of this court the number of circuit judges was decreased to one in each judicial district to be thereafter increased to meet the business necessities of

any district. (See Chapter 22 of the Acts of the Fourteenth General Assembly.) By Chapter 19 of the Acts of the Twentieth General Assembly the Sixth Judicial District was again divided into two circuits and given two circuit judges, Jasper County being again put into the Second Circuit as originally when the Circuit Court was created. The Circuit Court was abolished by Chapter 134 of the Acts of the Twenty-first General Assembly in 1886.

The judges of the circuit who served the Sixth Judicial District as such were: Lucian C. Blanchard of Montezuma, 1869-1880; H. S. Winslow of Newton, 1869-1870; Stephen N. Lindley of Newton, 1871-1872; William R. Lewis of Montezuma, 1881-1886; John A. Hoffman of Oskaloosa, 1884; Geo. W. Crozier of Knoxville, 1885-1886.

PROSECUTING ATTORNEYS

Prosecuting attorneys under Section 7 of the Organic Law of the territory were appointed by the governor for each judicial district. By an act of the territorial legislature approved January 15, 1839, it was provided: "That there shall be a district prosecutor appointed by the governor, by and with the advice and consent of the Council, in each judicial district in this territory, who shall hold his office for two years, unless sooner removed, from and after his appointment." He was to take a prescribed oath and give bond in a penalty of five thousand dollars. Vacancies in the office were to be filled by the governor which appointment expired on the meeting of the next Legislative Assembly. The same act prescribed their duties and fixed their salaries at such a sum as the Board of County Commissioners "in each county should deem proper."

The foregoing provisions of the Organic Law were embodied in a statute enacted by the territorial legislature, approved January 15, 1839. By Chapter 18 of the act of the territorial legislature approved January 17, 1846, these prosecuting attorneys were absolved from giving bond. Chapter 58 of the Revised Statutes of the territory of 1843, which is a codification of an act of the territorial legislature, approved January 15, 1839, continued the procedure of appointing district attorneys as provided in the Organic Law. Chapter 19 of the acts of the terri-

terial legislature enacted (according to the reprint thereof) on January 17, 1845 (should be 1846), provides: "That there shall be appointed by the governor, by and with the consent of the Council, a suitable person in *each county*, or organized district as hereinafter provided, to act as public prosecutor, who shall qualify in like manner as district prosecutors now are required to by the act to which this is amendatory, and shall hold their offices for the term of two years unless sooner removed." By the third section of this act Jasper County came into what was the Tenth District with Keokuk County as the pivotal county.

The prosecuting attorney under the First Constitution was a county officer elected at the general election for a term of two years. (Article V, Section 5, of the Constitution of 1846.) According to Section 2, of Chapter 9 of the Acts of the First General Assembly of the state of Iowa they were required to give bond in a penalty of two thousand dollars and take an oath to faithfully perform the duties of the office.

Under the Constitution of 1857 the prosecuting attorney became a district officer again. Section 13 of Article V of said Constitution provides that: "The qualified electors of each judicial district shall, at the time of the election of district judge, elect a district attorney, who shall be a resident of the district for which he is elected, and who shall hold his office for the term of four years, and until his successor shall have been elected and qualified." The legislation carrying out this provision is found in Chapter 25 of the Revision of 1860, which was preceded by Chapter 102 of the Acts of the Seventh General Assembly.

By Amendment 4, adopted in 1884 to the Constitution of the state of Iowa, it was provided: "That Section 13 of Article V of the Constitution be stricken therefrom, and the following adopted as such section: Section 13. The qualified electors of each county shall, at the general election in the year 1886, and every two years thereafter elect a county attorney, who shall be a resident of the county for which he is elected, and shall hold his office for two years, and until his successor shall have been elected and qualified."

We have found no record as to who the earlier prosecuting attorneys were. But somewhere in the past the writer picked up

the bit of news that Geo. T. Anderson was the first county attorney of Jasper County under some of this "ancient" legislation.

The district attorneys who served the Sixth Judicial District by virtue of the legislation resulting from the constitutional provisions of 1857 were: George D. Woodin of Sigourney, Horace S. Winslow of Newton, Moses A. McCoid of Fairfield, S. G. Smith of Newton, George W. Lafferty of Oskaloosa, Edward W. Stone of Washington, and John A. Donnell of Sigourney.

Under legislation carrying into effect the constitutional amendment of 1884 creating the office of county attorney the following men have served Jasper County as county attorney: Adams M. Harrah, William G. Clements, Edward J. Salmon, Alanson Clark, Oliver C. Meredith, William O. McElroy, Henry Silwold, Phineas M. Cragin, Edward P. Malmberg, Ross R. Mowry, Marion R. Hammer, Jr., D. M. Tripp, Hugo C. Schulz, George E. Campbell, Alfred M. Miller.

As has already appeared Section 9 of the Organic Law provided that there should be a Probate Court. An act of the first territorial legislature, approved January 17, 1839, created such probate courts. It provided that the court should be a court of record, the jurisdiction thereof coextensive with the county, some fit person should be appointed the judge thereof. It is not stated by whom the appointment should be made, but presumably by the legislature, as the governor could appoint to fill a vacancy during the recess of the Legislative Assembly. This court had jurisdiction of the usual business pertaining to the settling of estates of deceased persons, of guardianships and kindred subjects. The term of office was three years. The court was required to be held on the first Monday of each month and continue until the business before it was disposed of. Appeal from its decisions was taken to the District Court, and from there to the Supreme Court. By Section 5 of Chapter 109 of the Acts of the First General Assembly of the state of Iowa, it was provided that a probate judge should be elected for each county on the first Monday of August in the year 1847 and biennially thereafter. By Chapter 20 of the Acts of the Third General Assembly John H. Franklin was authorized to transcribe the records of the Probate Court of the county, and to

receive for such work eight cents per hundred words transcribed. Whether these records were in fact ever transcribed we do not know. But it is quite apparent that a transcribing of some of the early records of the courts of the county is very much needed. By Chapter 240 of the Code of 1851 the office of probate judge was abolished. By Chapter 24 of the Code of 1851, of which the statute last cited is a part, the offices of county commissioners and their clerk were also abolished. By this statute the office of county judge was created, and given jurisdiction of the business theretofore transacted by the county commissioners and their clerk as well as the probate business of the county. The probate records were required to be kept in books separate from those relating to the other business of the court. The judge of this new court was elected for a term of four years, and when he had taken office he had, under the then law of the state, all the powers of the present Minister of Foreign Relations of the Kingdom of Italy.

The judges of the various probate courts from the first, when the state was but a territory, until the end of the year 1868, when the County Court was abolished and the jurisdiction of the probate business and kindred subjects transferred to the newly created Circuit Court, were John H. Franklin, Washington Fleenor, Jesse Rickman, David Harris, W. P. Norris, David Edmundson, J. W. Wilson, M. A. Blanchard, R. Linderman, J. A. Harris, and O. C. Howe.

The first case which came into the Probate Court of Jasper County was the will of Henry W. Adamson filed in the office of John H. Franklin, probate judge, and by that official admitted to probate on October 19, 1846, while Iowa was yet a territory.

The first case of guardianship was that of Adam W. Maggart, a minor over fourteen years old. The record reads as follows:

Territory of Iowa, }
Jasper County, } ss:

At a regular Term of the Probate Court in and for said county, begun and holden on the 1st day of February, A. D. 1847. [You see the judge had not discovered that the territory had ceased on December 28, 1846, or he would have made a different heading.] Personally appeared before me on the day aforesaid Adam W. Maggart a minor above the age of fourteen years, who proceeded to make choice of Elenor Maggart his mother to be his Guardian who was accordingly

appointed by said Court and Letters of Guardianship was granted and a bond taken for her performance as such Guardian. Said Bond recorded on the following page.

The letters follow the above record.

The second will case was that of Elisha Hammer, which had been executed on May 15, 1847. It was admitted to probate June 7, 1847. The will clearly evinces an effort on the part of the testator to do justly by his widow and nine children and some grandchildren.

The next probate case is that of the last will and testament of Blakely Shoemake which was admitted to probate on November 22, 1848. No executor was named in the will so the widow, Mercy Shoemake, was appointed administratrix with the will annexed.

The next case of guardianship was that of Luther Shoemake, who having arrived at the age of sixteen years the probate judge had the sheriff of the county serve him with a notice requiring the said minor to appear before the court to make choice of his guardian on the first Monday in June, 1849.

By Amendment No. 2, one of the amendments to the state Constitution adopted in 1884, it is provided: "At any regular session of the General Assembly, the state may be divided into the necessary judicial districts, for district court purposes, or the said districts may be reorganized and the number of districts and the judges of said courts increased or diminished; but no reorganization of the districts or diminution of the judges shall have the effect of removing a judge from office." By virtue of this constitutional provision, by Section 3 of Chapter 134 of the Acts of the Twenty-first General Assembly, the state was divided into eighteen judicial districts, all the districts except the Eighth and Seventeenth having more than one judge; the Sixth Judicial District as constituted by the chapter was given three district judges. As elsewhere stated this same act abolished the Circuit Court. Section 8 of the chapter reads thus: "All the rights, powers and jurisdiction now by law belonging to or vested in, or exercised by the Circuit Court shall upon and after the first day of January, 1887, be transferred to, conferred upon and exercised by the District Court; and all causes, proceedings, and remedies of every kind pending or undetermined

in the Circuit Court at said date shall stand for trial or other disposition in the District Court as if originally brought therein."

This legislation made the District Court the "probate court" of the state. And elsewhere in the same statute the clerk of the District Court was vested with power to transact some of the work formerly done by the probate judge.

GRAND JURY

The Grand Jury at first consisted of twenty-three persons as in the federal courts. The number has been gradually reduced since then. Amendment 3 to the Constitution of 1884 provides: "The Grand Jury may consist of any number not less than five, nor more than fifteen, as the General Assembly may by law provide, or the General Assembly may provide for holding persons to answer for any criminal offense without the intervention of a Grand Jury." This constitutional provision, under suitable statutory enactments, has given us a Grand Jury of seven members, and also the "County Attorney's Information."

By the sixth subdivision of Section 3, of Chapter 134 of the Acts of the Twenty-first General Assembly, approved April 10, 1886, the Sixth Judicial District was reorganized and the counties of Marion and Jefferson removed from the roster of counties composing the district, and the county of Louisa added. This act took effect January 1, 1887.

By Section 1 of Chapter 121 of the Acts of the Twenty-sixth General Assembly of Iowa Louisa County was severed from the Sixth District and joined with Des Moines and Henry counties to form the Twentieth Judicial District. Since that time the counties of Jasper, Poweshiek, Mahaska, Keokuk and Washington compose the Sixth Judicial District. The last legislative act above referred to went into effect May 9, 1896.

COURT HOUSES

In 1847 the first Court House was built in Newton at a cost of \$262.50. We arrive at this from the facts that on January 5, 1847, Evan Adamson was voted \$87.50 for building the same, and on July 6th following he was voted the further sum of \$175.00 by the county commissioners, and the building accepted. It did not occupy the present site, but stood on the block just

off the public square and cornering with it at the northwest corner.

The necessity for increased accommodations for the county offices had been felt for some time, but in 1857 the need became imperative. So the county judge entered into a contract with one John Hyde to construct a foundation for a new Court House in the center of the public square, to carry a building which should be ample for many years. On October 30, 1858, the county judge ordered \$1,981.43 paid to Hyde on his contract, and adds that "this completes the sum of \$26,600.00 which has been paid on the Court House, and for which J. P. Huskins, agent of John Hyde, the contractor, has receipted for as payment in full for contract, and all extras in or about said building; the house is therefore received from the hand of the contractor." The building was a classical piece of architecture until later necessity of the county for additional rooms made necessary additions which destroyed the original plan and design. But we were then a utilitarian people and beauty, even in a public building, was not considered, nay, not for a moment.

Sometime in 1905 some of the people of Jasper County commenced talking about building a new Court House. This talk was most pronounced in and about Newton. But Colfax, Prairie City, Monroe and other outlying territory could see little merit in this propaganda. The proposition was submitted to the voters of the county and on October 17, 1905, it was defeated by a vote of 1,736 for to 2,311 against the proposition. It was submitted a second time and at the general election in November, 1906, the proposition to build a new Court House was defeated by 2,463 yes to 3,100 no.

After being thus twice defeated at the polls the proposition to build a new Court House was at last carried on November 3, 1908, by a vote of 3,158 for the proposition and 2,817 votes against it. Proudfoot & Bird were the architects, and Jas. Rowson & Son were the contractors. The contract was let February 18, 1909, work on the project began April 1, 1909, and the building was completed April 6, 1911. The building is 120 feet and 8 inches long, 80 feet wide, and is 56 feet from the grade line to the cornice, the tower rises 56 feet above the roof and the top of the flag pole is 140 feet from the ground. The struc-

ture is built entirely of cut Bedford limestone, lined with brick. All girders are steel and floor and roof are of fire proof material. Only the doors and window casings are wood. It is a good building and when planned was supposed to be ample for the demands of the county for many years to come. Probably the greatest mistake made at the time of its erection was that a full basement was not excavated and reserved for future use. Such a basement could now be used to very good advantage for minor, and even principal office quarters. But such forward vision was denied to both the architect who planned, and to the Board of Supervisors who had to provide for the erection of the building. The structure in 1909 to 1911 cost \$200,225.71.

It was said at the dedication of the building that "The rotunda is the glory of the building. From the mosaic seal of Jasper County in the floor, done in ceramic tile of many colors, to the vaulted ceiling of art glass with the beautiful light of day shining down through the blending of exquisite tints, is a dream of beauty. The sixteen columns of matched marble—eight on each floor—are a delight to any eye which can discern artistic effects. The columns on the first floor are of the plainer Doric order of architecture and those above the more graceful and ornate Ionic.

"There are four emblematic oil paintings by Edgar Cameron of Chicago, each illustrative of some incident in the county's history. On the west is a wartime scene in the public square of Newton, with the old Court House in the center and soldier boys leaving for the front, in Civil War days; on the south a prairie fire and a herd of buffalo; on the east a group of Uncle Sam's soldiers who camped on the banks of the Skunk River west of Newton in the early forties, and on the north the departing Indian and the coming of the white man."

It is to be hoped that in the not far distant future architects will abandon the idea that a court room is a suitable place for the display of ideas of beauty in architecture, and to substitute for this misplaced ambition the better one, to make a court room primarily a place in which to transact important public business comfortably and with ease. In other words, the court room in this otherwise fine building, is an abomination as far as acoustics is concerned.

SHERIFFS

By Section 7 of the Organic Law the governor was directed to appoint the sheriff of the county. Since February 15, 1844, the sheriff has been an elective officer and his term of office two years, Congress by amendment to the Organic Law having made this possible, and he was ineligible for more than two successive terms in six years. If a vacancy happened it could only be filled by a special election. He was quite frequently the collector of taxes in addition to the usual duties of the office of sheriff.

DIVORCES

In our territorial days the legislature and not the courts granted divorces. Chapter 17 of the session of the territorial legislature of 1843 presents a bit of wholesale divorcing, in that this act did divorce nineteen husbands and wives. It was sent to the governor and by him returned with his objections thereto. After reconsideration by the Legislative Assembly the bill passed over the veto by a majority of two-thirds, and became a law February 16, 1843. Upon careful search of the work of the territorial legislature I am unable to say that any Jasper County parties were thus divorced.

DOWER

The surviving spouse under Iowa law has had an estate in fee simple in the real estate left by the owner at his death, except during the time intervening between July 1, 1853, to April 18, 1862, when the statute of "dower at common law" prevailed in this state, which gave the survivor an estate for life only.

COURT INCIDENTS

We might as well interpolate a little court scene here which transpired locally in April, 1855. Phineas M. Casady who had been elected at the election for the purpose of electing district judges had resigned to accept a more lucrative office at the hands of the federal government. Thereupon J. C. McFarland of Boonesboro had become a candidate to succeed Judge Casady, and in his quest had been opposed by a member of the local bar, Harvey J. Skiff. So when Judge McFarland came to Newton to hold the April, A. D., 1855, term of the District Court, Mr. Skiff called up some case in which he appeared as attorney for

one of the parties to have some simple order made. Whereupon the Judge peremptorily ordered him to be seated. But Skiff insisted that he and his client had some rights which the court ought to respect. But Skiff was repeatedly ordered to be seated, but kept standing on his rights as well as on his feet. Thereupon the court fined Skiff for contempt of court, which elicited further remarks from Skiff, and which remarks in turn drew a further fine from the court. The following morning, after consultation at Skiff's home the night before, the entire bar proceeded to continue all their cases. The Judge is said to have caught the drift of the situation and headed off the lawyers by adjourning court without day.

In the opinion in the case of *Skiff vs. The State of Iowa*, reported at page 550 of Volume II of the *Iowa Reports* we get the following from the transcript sent up by the clerk of the District Court: "Harvey J. Skiff fined for contempt of court fifty dollars. For a second contempt, fined one hundred dollars. Mittimus issued to sheriff of Polk County, to confine said H. J. Skiff, in the jail of said county for three days." This was all the record made. Too much of the elixir of corn which had gotten into the system of the Judge was responsible for the meager record made by him at the time, and was responsible for a reversal of the case without more. Chief Justice Wright saying in the opinion: "To fine and imprison the citizen, upon a record so barren and destitute of every legal requisite as the one before us, cannot be tolerated in this country where liberty and property are justly held so sacred." This was the Harvey J. Skiff whose name appears as the twenty-sixth signer of the Constitution of Iowa, adopted at Iowa City, on March 5, 1857, where he represented a district composed of Jasper, Poweshiek, Marshall, and Tama counties, where he gave his occupation as that of a banker, and who later operated the Skiff Drug Store in Newton, Iowa.

The foregoing related the story of an incident of the dim and distant past, when Iowa was the frontier. But Jasper County can show a few situations of a "more advanced civilization." As recently as about 1901 court was in session in Newton, likewise was the grand jury. At the suggestion of the county attorney subpoenas were prepared and served on some of Newton's

"best citizens," requiring them to appear before that august body and tell what they knew about violations of law in Jasper County. When the first witness came he was asked what kind of liquor and when, he had bought of a Mr. X. When this witness had left the room word was gotten to Mr. X. by the grand jury that if he did not get twelve bottles of good cold beer to their room in a very short time he would be indicted. Shortly thereafter the beer is said to have arrived, and the clerk of this grand jury was by the grand jurors invited to help them dispose of the beer in the usual way. Need it be said that Mr. X. was not indicted? It is quite proper to state here that the clerk of the grand jury conscientiously for twenty-seven years observed the oath which he had taken as such clerk which reads: "that he would faithfully and impartially perform the duties of clerk of the grand jury, that he would not reveal to any one its proceedings or the testimony given before it and would abstain from expressing any opinion upon any question before it." After this lapse of time he did reveal the incident to the then county attorney, who happened to be the writer.

One more incident. A sister had sued her brother on a claim for money loaned. He defended, denying the debt. She was a witness in her own behalf. Her brother's attorney asked her on cross-examination why she had not pressed her claim sooner, it being one of long standing, whereupon she retorted, "You do not go to a goat's house for wool." This answer completely overwhelmed defendant's attorney and he excused the witness. Her own attorney likewise excused her, but she kept on talking. Both lawyers begged the court to shut off the flow of words. Judge Preston, who was holding that term of court, said to her, "Madam, you are excused!" Whereupon she left the witness chair, walking toward the door of the court room, but continued to talk until the door closed behind her. The two lawyers and the judge heaved a sigh of relief. When lo, she opened the door, stuck her head into the room and exclaimed, "There, I told you I would get the last word!"

CLERKS OF THE DISTRICT COURT

Clerks of the District Court were at first appointed by the courts for which they became clerk, under Section 9 of the Or-

ganic Law of the territory. And a judge in vacation was authorized to fill a vacancy in the office which appointment was operative only until the next term of the court. Thus it happened that when Judge Williams of Muscatine came to Jasper County to hold a term of court on the second Monday in the month of April (to be exact, April 13, 1846, while Iowa was still a territory) he appointed John A. Kinsman clerk of the court, and it was with this official that the document was filed locating the "Seat of Justice of said Jasper County," on May 25, 1846. He erected the first building in Newton City before the end of 1846, on lots one and two of block twenty-one, and it may very well be that there was established the first office of the clerk of the District Court of Jasper County, Iowa. He must have resigned for in April, 1847, Thomas J. Adamson was elected clerk to fill vacancy. The territory had become a state and under the Constitution adopted in 1846 the clerk of the District Court was elected by the voters of the county. (See Section 5 of Article VI of the Constitution of 1846.)

Peter Miller was elected clerk at the August election in 1848 and his bond as such officer approved on the tenth day of the same month. From then on we have the following record:

William M. Springer was elected in 1850, and served one term.

W. P. Norris was elected in 1852, and served one term.

Charles C. Turner was elected in 1854, and served one term.

J. B. Hough (father of Emerson Hough) was elected in 1856, and served two terms.

Owen Davis was elected in 1860, and served two terms.

John A. Seaton was elected in 1864, and served two terms.

William R. McCullough was elected in 1868, and served four terms.

Lee B. Westbrook was elected in 1876, and served two terms.

M. P. Doud was elected in 1880, and served two terms.

Geo. W. Harlan was elected in 1884, and served two terms.

Nathaniel Townsend was elected in 1888, and served two terms.

John L. Matthews was elected in 1892, and served two terms.

Jake A. Mattern was elected in 1896, and served one term.

C. H. Kapple was elected in 1898, and served one term.

J. A. Mattern was elected in 1900, and served one term.

Ernest L. Early was elected in 1902, and served two terms.

P. H. Healey was elected in 1906, and served two terms.

Frank Wilson was elected in 1910, and served until December 24, 1925, when he died.

H. F. Cassidy was appointed to fill the vacancy caused by the death of Frank Wilson, was thereafter nominated and elected, and is the present clerk.

The early clerks of the District Court were ex-officio clerks of the Circuit Court and also of the Probate Court while these several courts were in existence. Although the law provided that the probate judge, if he saw fit, could act as his own clerk.

One of the duties of the clerk of the District Court in territorial days was to issue certificates of authority to ministers of the gospel to solemnize marriages. One James F. New seems to have obtained such a certificate from the clerk of the District Court in Lee County, Iowa Territory. His credentials were those of the Methodist church. A copy of the certificate was filed for record in the office of the clerk of the District Court of Jasper County, Iowa, on August 3, 1849. He makes return to said office on the same day that on July 5, 1849, he had "united in the bonds of matrimony in Jasper County, Iowa, Jesse Hammer and Margaret Sparks."

We are tempted to present the next Certificate of Authority in full. It reads thus:

State of Iowa,)
Jasper County,)^{ss}:

The United States of America, Greeting: This may certify that the Claiborne Hall has presented to ordered of being a regular Lieded Minister of the Gospel in connexion with the Christian Church therefore know yea that the said Claiborne Hall is hereby authorized to Solemnize the rites of Matrimony in said county of Jasper So long as he maintains his Standing in Said Church and no longer.

In testimony whereof I have hereunto set my hand and affixed the seal of the District Court at Newton, Jasper County, Iowa.—Peter Miller, Clerk.

This instrument was *recorded* on August 10, 1849, so that is probably the date of it. This certificate was not issued in vain. For on the first day of September, 1849, Mr. Hall makes return that "on the sixteenth day of August 1849, at the house of

Amanda Tice in said county I Solemnized the rites of Matrimony between Mr. Alexander McCollom aged twenty nine years, and Mrs. Amanda Tice aged twenty-six years."

The first lawyer in Newton and in Jasper County, was Johnson N. Edgar, with whose name abstracters are quite familiar owing to the fact that his name appears so frequently in early transfers of real estate.

Before its organization as a separate county Jasper County was attached to Mahaska County for election, revenue and judicial purposes by Section 17 of Chapter 68 of the Acts of the territorial legislature of Iowa, approved February 5, 1844. The whole county as so attached to Mahaska County was known as Washington Township.

Jasper County was established as a separate county and the boundaries of it prescribed by Chapter 83 of the Acts of the territorial legislature of Iowa, approved January 17, 1846, and have always remained the same. The county was "organized" by the same legislature in Chapter 101, approved on the same day, the organization to take effect March 1, 1846. The people of the county were authorized to hold their first election as a separate county, to choose county officers on the first Monday in the month of April, 1846.

Thus we have given a brief history appertaining to the courts and their work affecting Jasper County from the beginning to the present day. Many interesting incidents lie dormant in the records that could be culled therefrom to represent the now ancient history of the county, but they are not strictly germane to what is here intended. It is hoped by the writer that the effort, which has been a pleasant one, may prove interesting as well as informing to possible readers.

Newton, Iowa, July 1, 1931.

THOMAS GREGG'S LETTERS TO THE NEW YORK EXPRESS

BY PHILIP D. JORDAN

Although the newspaper and publishing ventures of Thomas Gregg, early nineteenth century editor in both Illinois and the territory of Iowa, have been admirably set down by Franklin William Scott,¹ David C. Mott,² and J. A. Gordon,³ there are portions of Gregg's professional history which are yet vague and uncertain. Further, there are some newspapers edited and published by Gregg, such as the *Literary Cabinet*, established in the year 1833 at St. Clairsville, Ohio, and the *Western Gem and Cabinet of Literature, Science, and News*, established in 1834 at St. Clairsville which have become rare books. These newspapers published at St. Clairsville must, for instance, show the beginning of the literary friendship between Gregg and Mrs. Lydia H. Sigourney,⁴ yet I have been unable to locate a file or a single issue of either of the early Ohio publications.

It has long been known that Gregg, during the period of his editorship of the *Western Adventurer and Herald of the Upper Mississippi* in the year 1837, contributed a series of letters, under the general title of "Letters from the Occident," to the *New York Daily Express*, but it has never been fully established if the Montrose editor contributed one or more than one letter. Furthermore, the dates of publication in the *New York Daily Express* have not appeared in the works by Scott, Mott, or Gordon. Recently, I have examined the files of the *New York Daily Express*,⁵ and have located Gregg's contributions.

Apparently Gregg sent to the *Express* only three letters, the first bears the Montrose date of June 28, 1837, and was published Wednesday morning, August 2; the second bears the

¹See his *Newspapers and Periodicals of Illinois, 1814-1879*. Collections of the Illinois State Historical Library, VI. Bibliographical Series I, Springfield, 1910, pp. 45, 195, 286, 348.

²ANNALS OF IOWA (Third Series), XIV, 4, pp. 263-71.

³Compare *Journal of the Illinois State Historical Society*, XVIII, 2, pp. 433-35.

⁴See Coggeshall, *Poets and Poetry of the West*, p. 238, et Venable, *Beginnings of Literary Culture in the Ohio Valley*, p. 125. Also see my article "The Source of Mrs. Sigourney's 'Indian Girl's Burial'" which will be published in the November 1932 issue of *American Literature*.

⁵Files of the *Express* are to be found only in the following libraries: New York Public, New York Historical Society, American Antiquarian Society, and the Library of Congress. Consequently, Gregg's "Letters from the Occident" have not been readily available to the mid-western student.

Montrose date of September 5, and was published September 26; and the third was dated September 14 and published October 3, 1837. These three communications, then, form the collection known to the scholar of Gregg and mid-western newspaper history as "The Letters from the Occident." No more letters appeared in the *Express* for the remainder of the year 1837 and none for the year 1838. Therefore, I am almost certain that Gregg stopped contributing to the *New York Daily Express* after he left Montrose, or, to put it another way, after the *Western Adventurer and Herald of the Upper Mississippi* ceased publication.

I am reprinting here this collection of Gregg's letters in order that they may be accessible to Iowa students and in order that their contents may be preserved. Their publication, furthermore, will clear another of the dark spots in the journalistic career of Thomas Gregg. The letters are printed from photostatic copy without intentional emendation on my part.

LETTERS FROM THE OCCIDENT—NO. 1

Montrose, Wisconsin Territory, (Head of the
Des Moines Rapids of the Mississippi),
June 28, 1837.

To the Editors of the New York Daily Express:

Gentlemen:—I have headed this paper "Letters from the Occident," because, though not perhaps entitled to the distinction of a resident of the Far West, yet I think I am sufficiently *western* to admit of the application of *occidental* with somewhat of propriety. I am aware that the "Far West" progresses *westward*, at this day, with a rapidity heretofore unexampled; one or two years ago it was located at this place—five years ago and it was at Springfield or Jacksonville, in Illinois—and ten years ago, I question whether it had progressed farther than the Wabash at Terre Haute. Now it is almost as far from here as is "Down East." Travelers who have visited the Pawnee villages, Prairie du Chien, Council Bluffs, or Cantonments Gibson or Leavenworth, and those who have gone beyond any of these, as far as the city of Sundown, only claim to have seen the Far West. It is nothing to have been as far west as the Mississippi at

Montrose.—This is the name given by the new proprietors to Fort Des Moines, situated at the head of the Lower or Des Moines Rapids of the Mississippi River. The situation of Montrose is delightful, being on the edge of a high, rolling, and sandy prairie, the eastern border of which, where the fort is located, gently sloping to and commanding a fine view of the river. At the foot of the rapids, distant about twelve

miles from Montrose, is Keokuk, a small village receiving its name from a noted chief of the Sac and Fox Indians, who is at present the principal chief of those tribes. Keokuk is, and has long been, esteemed a place of considerable importance. It is situated at the foot of the rapids, five miles above Warsaw, and forty-five about Quincy, in Illinois.

The Des Moines River.—After a passage of two or three hundred miles through a most beautiful and fertile country, occupied principally by the Sac and Foxes and the Sioux tribes of Indians, empties into the Mississippi opposite Warsaw, five miles below the rapids which bear its name. This river divides, for the space of thirty miles from its mouth, the territory of Wisconsin from the state of Missouri. Certain politicians in Missouri are eagerly endeavoring to attach to that state the portion of country lying between the Mississippi and the Des Moines, from the mouth of the latter, up to the point where the northern boundary line of Missouri intersects said river—being a tract half as large as the little state of Rhode Island, and unsurpassed in beauty by any in the territory. To the proposition to annex, I would say NO, and I believe that almost every inhabitant would echo it back in a voice of thunder.

Half Breed Reservation.—The tract of land above mentioned, as claimed by Missouri, contains within its limits that tract of country set apart, I believe, at the close of the Black Hawk War, to the half breeds of the Sac and Fox Indians. One or two companies have for some time been busily engaged in purchasing the interest of said half breeds; and now the present claimants have united their interests, and the whole tract is offered for sale. Keokuk and Montrose are within this tract, the latter of which has become the headquarters of the company. The land office of the company has been opened at this place.

A printing office has just been put into operation at Montrose, from which is issued a weekly newspaper called the "Western Adventurer," and which will also soon issue a monthly sheet devoted to the history and description of the western country, to be entitled the "Western Emigrants' Magazine."

Mechanics and laborers who are thrown out of employment in the East, by the great pressure of the times, or, as a contemporary print says, the evils of too great a civilization—and who are looking to the West for a home secure from both, would do well to call at this place as they pass up the noble "Father of Waters," and view the beautiful farming country with which we are surrounded; or if they prefer getting as far as possible from the scenes of their distresses and of their childhood and youth, they can journey on even to the city of Twilight, ten degrees beyond Sundown, in the very *western* extremity of the Far West.

T. G.

LETTERS FROM THE OCCIDENT—NO. 2

Montrose, Wisconsin Territory (head of the
Des Moines Rapids in the Mississippi,)

September 5, 1837.

Gentlemen:—An important treaty has lately been concluded between the Government of the United States and the Chippewa Indians. It was conducted by His Excellency, Governor Dodge, of this territory—General Smith, the other commissioner, having been unable to arrive, in consequence of an accidental detention on the Ohio. The treaty was held at St. Peters (Fort Snelling), and was ended on the 29th of last month. It is said that more than 1,500 Chippewas, embracing twelve distinct bands, and about 500 Sioux, together with a vast number whites were in attendance. The treaty lasted fifteen days.

The tract of country thus obtained of the Indians, is supposed to amount to above nine millions of acres, embracing a very extensive pine region on the tributaries of the Upper Mississippi. It is bounded as follows:

“Beginning at the junction of the Crow Wing and the Mississippi rivers, between twenty and thirty miles above where the Mississippi is crossed by the forty-sixth parallel of north latitude, and running thence to the north point of Lake St. Croix, one of the sources of the St. Croix River; thence to and along the dividing ridge between the waters of Lake Superior and those of the Mississippi, to the source of the Ock-ra-sau-se-pa, a tributary of the Chippewa River; thence to a point on the Chippewa River twenty miles below the outlet of Lake Flambeau; thence southeasterly, on a course parallel with the Wisconsin and Pelican rivers; thence on an east course twenty miles; thence southeasterly, on a course parallel with that of the Wisconsin River, to the line dividing the territories of the Chippewas and Menomines; thence to the Plover Portage; thence along the southern boundary of the Chippewa country, to the commencement of the boundary line dividing it from the Sioux, half a day's march below the falls on the Chippewa River; thence with said boundary line to the mouth of the Wahtap River, at its junction with the Mississippi; and thence up the Mississippi to the place of beginning.”

This tract of country, although lying for the most part, in the bleak and sterile regions of the north, is yet, in my humble opinion, one of the most valuable purchases that has been made from the Indians within the last ten years, and will greatly facilitate the settlement of the whole Mississippi Valley. Indeed, it may be regarded as an era in the history of western emigration. Inexhaustible quantities of pine grow upon the principal rivers within this extensive tract. So that, ere long, emigrants instead of being obliged to ship furniture, lumber, and even buildings from Pittsburg and Cincinnati, to almost every part of the Upper Mississippi, as they do at present and have heretofore done in many instances, will find it in the greatest plenty, by means of the navigable

rivers, at their very doors. Numberless sawmills will, without doubt, soon be erected within the newly purchased territory—and an impulse will be given to the prosperity of the west, heretofore unknown and unfelt.

The terms of the treaty are very favorable to the government, even much more so, than fair and just towards the Indians. The whole cost is something more than \$800,000—which for 9,000,000 of acres, would be less than nine cents an acre. This sum is to be paid them in various ways, in annual installments for twenty years; and I have no fear in hazarding the assertion that the tract will contain 300,000 inhabitants before the last installment becomes due. But enough of the treaty.

The agent of the U. S. Government passed up yesterday, on his way to Rock Island, with blankets and money, for the payment of the annuities due the Sac and Fox tribes of Indians. These annuities are paid to Keokuk, a chief of the tribes, who lives finely on the money,—and who, it is said, owes the American Fur Company more than the annuities will amount to for three years to come. Besides this he owes many thousand dollars to individuals, at various places on the Mississippi and Des Moines. Whenever the Fur Company gets clamorous for its dues, the chiefs will again be under the necessity of making overtures for the sale of another tract of land to the government.

As an instance of the justice and fairness of our government, in its dealings with the Indian tribes, I will first state the case of the above-mentioned chief, with that of the celebrated Black Hawk. The latter is a high-minded and honorable man—remarkably temperate in his habits—and, so far as I have learned, bears the good will of all his white neighbors. Yet he was degraded from his rank of chieftain, by the strong arm of power, and stripped of all his authority over his tribe; while the favor of the government was extended towards Keokuk, who was exalted to a high rank in the nation—was appointed caretaker of the annuities—and, who is withal, one of the greatest of *scamps*—a miserable gambler, and a drunkard. Keokuk was found to be more favorable to the grasping and ambitious designs of the whites, and more easily duped by their artifices,—whereas, Black Hawk had not only opposed their encroachments, but had lifted the tomahawk, and shed his blood in defense of his country and the bones of his sires.

Yours respectfully,

T. G.

LETTERS FROM THE OCCIDENT—NO. 3

Montrose, Wisconsin Territory (head of the
Des Moines Rapids of the Mississippi),

September 14, 1837.

Gentlemen:—A delegation of ten or twelve individuals, from the Iroquois, or Six Nations, residing in the state of New York, and at Green Bay in this territory, passed here yesterday. They were accompanied by Mr. Schermerhorn, the United States commissioner, and are

on their way to the "Far West," to look at lands offered them by the government in the vicinity of Fort Leavenworth, on the south side of the Missouri River. They are good-looking and intelligent men, gentlemanly in their appearance and manners, and appear to understand well the business on which they are deputed. They represent a majority of their tribes at home as being unwilling to emigrate—state that they are doing well where they are—have generally adopted civilized modes of life—dwell in houses—have churches and schools—and live by tilling the soil, as their white neighbors do; and they think it not best to exchange all these immunities and blessings for an uncertain and precarious existence in the remote West, surrounded on the one side by savages and ferocious bands, and on the other by scarcely less savage whites. And they are right. If they know their own interests, they will remain where they are. They now have more security against the encroachments of the whites than they can have west of the Mississippi. How long will it be before they will again be surrounded by white men, eagerly preying upon the little reservation that may be left to them? And how long before they will *again* be urged to emigrate to lands still farther west, and to which the cupidity of the Anglo-Saxon race has not yet extended? Indeed, it has been but a short period since these same remnants of the Six Nations, now at Green Bay, were asked to give up their rich reservations in New York and remove to Green Bay, there to remain *forever*, in undisputed possession. Oh, what a *forever*! Six, eight, or ten short years roll along, and ere they had become fully settled in the quiet occupancy of their lands, lo! they are again asked to emigrate lands to some thousand miles further west, for the quiet and undisturbed possession of which—*forever*—the faith of this nation will be solemnly pledged.

While here, the deputation held a "talk" with a few of the Sacs and Foxes, who happened to be present. They stated to them the object of their mission—enquired for Black Hawk, who they had seen at Buffalo—expressed their wishes for his welfare—hoped he was in good health—wished to be friendly with him and all his tribe—and, on their departure, shook hands with them, as brethren of one great family—and as members of that one great family should do everywhere.

Yours respectfully,

T. G.

WILLARD BARROWS' DEFENSE
OF HIS
ORIGINAL SURVEY OF SALT CREEK TOWNSHIP, DAVIS COUNTY,
IOWA
(From the Archives of the State Land Office, Des Moines, Iowa)

Rockingham,¹ Iowa, March 12, 1844.

Sir:

Your communication of the 5th inst. enclosing a copy of letter from the commissioner [of the] General Land Office, and also a copy of a letter from Stephen Holcomb preferring charges against me as a deputy surveyor, have this day been received. In reply I can say, in broad and decisive terms, they are false, unjust and unfounded. But you will bear with me while I state to you the difficulties attendant upon my recent survey upon the Des Moines River. If any complaint is made it should come most assuredly from *me*,² and not the *settlers*. I am one among the many who first settled in Iowa, have long been engaged in the public surveys, and can well enter into the feelings of the pioneer, and far be it from me, had I the power, to add a single obstacle to his struggles in a new country. The first charge preferred against me is, "that I refused to close lines in many instances, when men would stand ready to commence work or building as soon as the lines would be closed." To this part of the charge I plead guilty; and many times has the progress of my survey been interrupted by the collection of two contending parties as claimants for the land, and often armed for deadly combat. Under such circumstances I have frequently left the field, and either returned to camp, or to some other portion of the survey; but *never* completed a line under such circumstances, or any other, for a *horse or fifty dollars!*

The next and only charge is, "that in the township in which I reside (says Mr. Holcomb) it is impossible to find any section lines run *through* except in case he has been paid for it by some individual." I cannot believe that Mr. Holcomb (a man with whom I have no acquaintance) here means to say that the bal-

¹Rockingham was laid out as a town in 1836 about four miles down the Mississippi River from Davenport, and was a rival of Davenport for several years. It passed out of existence many years ago.—Editor.

²The frequent use of italics and some old-fashioned spelling are as in the original manuscript letter.—Editor.

ance of the lines of the township, *were* not run at all, or that they were run incorrectly; but that I received pay for running *all* lines from different individuals—a charge which Mr. Holcomb will most assuredly be called upon to answer to me, if he is a man worthy of notice.

Had this survey been performed under the ordinary circumstances attending my usual surveys, free of perplexities, trouble and excitement by the people, I might possibly be led to apprehend some error in my work; but never since I have had the honor of being employed as a deputy, have I bestowed such unwearied care and exertions to complete my work in the most correct and workmanlike manner; knowing as I did the great interest of the settler, and their constant anxiety for the result of the public surveys in regard to the location of their farms and other improvements. You must be well aware, Sir, of the great excitement prevalent upon the first of May last in regard to that country, the time specified by law that the Indian title became extinct; that nearly the whole of that country was claimed up, between 12 o'clock midnight, and daylight the next morning, and that lawsuits and quarrels ensued, unknown in the annals of the settlement of any country. This state of things still existed when I arrived upon the ground, and they looked forward to the time when the public surveys should be made for a renewal of hostilities under cover of the new Preemption Law, by which the first settler upon the land, *after the lines were closed*, would be entitled to the right of the preemption. To add to the difficulties and dismay of the settlers, they now learned for the first time that they were not entitled to the benefit of preemption because they had made a settlement before the surveys were completed; consequently the contending claimant (who probably might be an interloper, or claim speculator in the country) had a decided advantage over the actual settler. This state of things caused the inhabitants to follow, daily, my survey, and I can safely say that in any of the settled portions of the country embracing my district not a single day passed that I was not annoyed by a throng of men around my compass, quarreling, running across the chain, and not unfrequently causing a remeasurement of lines. It was with the utmost difficulty that I could keep the attention of my chainmen

to their business. In one township alone where there was much excitement, my resurvey and corrections could not have cost less than fifty dollars; yet I bore with it patiently in consideration of the anxiety of the settler, until my monuments were destroyed by some of the contending parties, and new ones made to mislead the opposite party. I had to reexamine my work and erect new ones. It was at this time that I addressed you by special messenger, requesting farther instructions in relation to the outrage, and my constant perplexity. In compliance with your orders I endeavored in vain to detect the offenders, and by your special instructions doubled my diligence to perform the work in the most efficient manner possible. To add still more to [I could add still more concerning?] the difficulties I had to encounter, although I am well aware, they were such as I had nothing to do with except out of courtesy and respect to the settler for his misfortune.

Private surveys had been made of nearly the whole settled portions of the country, by extending the lines from the Old Purchase into the new one. Many of these had been done by a former deputy surveyor, who it appears had assured the settler of the correctness of his lines and that the public survey must correspond thereto; and their *farms* and improvements might be made in accordance with his survey, with safety. From this survey, which was run by an assumed variation, both Mr. Burt, who run the township lines, and myself, differed in many places very widely; and whenever my lines did not correspond with those already run, I was condemned as an *ignorant* surveyor, or charged with partiality and favouritism; threatened with being reported if I did not alter lines and suit the convenience of the settler. And it was currently reported before I left the ground that they would have a resurvey and one that would correspond to their *farms*. The whole timbered country is so blazed up with claims and former surveys that it is almost impossible to trace a line without the compass. It was not unfrequently the case that through the *ignorance* of the people of the method of performing the public *surveys* and in their anxiety to preempt the land, cabins would be erected *after* the random line was run and *before* it was corrected, and not unfrequently have I had lines to run over and correct *after* the settler had built his cabin; in

such cases, I was often charged with having done it to favour one or the other party. Mr. Holcomb has undoubtedly been misinformed or prejudiced against me by some of the contending parties, for he does not seem to have been a sufferer himself by *my oppression of the people*, in the loss of a horse or fifty dollars. It has always been my custom to take with me into the field an extra compass, both for security against accident and to supply the frequent demand of the settler to run private lines.

In the present case I had one, and myself or assistant very frequently used it not only in running lines, but several town sites were laid off into lots, for which last jobs my price generally was fifty dollars; and for the want of cash, or the accommodation of the settler, as was agreed upon, I sometimes took a horse or something else in payment; from which circumstance, alone, I can only conceive the idea of Mr. Holcomb that I ever received money from a settler to close a government line when it was my imperative duty so to do, free of compensation except by the government; for most assuredly there are no lines left in my district unsurveyed; and if Mr. Holcomb meant in his charge against me to say that there were portions left unsurveyed (and I believe the commissioner so understood his letter) it carries a contradiction upon its very face, for I know of no township in my district so destitute of settlers that I was not daily thronged and followed closely, in most every line run, and the land claimed or preempted as soon as the lines were closed. A great interest was felt by the people to see how my lines were run, differing from those already run by former surveys. No line could have been omitted had I been so disposed without the positive knowledge of the settler, and certainly Mr. Holcomb will not pretend to say that I run *all* the lines and got fifty dollars for *each*! I cannot think that it would follow as a matter of course, because Mr. Holcomb did not *see* all the lines that they were *never run*. Neither can I think it would be justice to require an examination of the survey at my expense, on so trivial and vague a charge got up most probably by some dissatisfied claimant who has settled, contrary to an express law of Congress, upon the public domain before the land was surveyed.

Mr. Vandever, another deputy whose district lay adjoining

to mine, experienced the same difficulties with the settlers as myself; and if I am not mistaken addressed you upon the subject at the time. Complaints against other deputies in that section of the country were loud, and ever will be, when the settler is allowed upon the land before the survey is made.

I was credibly informed, and it is my firm belief, that those dissatisfied with the survey are such as desire a *new survey* to enable them to drive from their homes those who have made a settlement by the present survey, and preempt their land under a new one, for if a new survey could be obtained the present preemptions would not hold of course. And many who are apprehensive of the lands coming into market the ensuing season would have the time prolonged by a new survey, &c.

The first part of Mr. Holcomb's charge, that I refused to run a line where the contending parties were present and ready to commence work, is correct. I well remember once in particular of the parties appearing upon the ground armed with rifles for the purpose of preventing each other from preempting. I knew under such exciting circumstances there was great liability for my chainmen to make mistakes, and probable bloodshed between the parties. I felt justified in leaving the ground, and suppose that I had a perfect right to manage my survey without the knowledge or interference of the settlers.

Whatever I have here set forth in regard to my recent survey can be substantiated by the hands employed upon the work. I am well aware that what I have written, or what I might say in regard to the conduct of the people in my district, may be deemed by you unnecessary and perhaps irrelevant, yet I ask it as a privilege to place before you my difficulties in performing the work assigned me. If any one has been the looser, or in any way oppressed, it is myself and not the settler. I had a perfect right upon the ground, and the *settler* had not, until I left it, and any difficulty arising among the claimants from my doing my duty should not operate to my disadvantage. I have never performed a survey with such care and precision since I have been employed in the government service, which I believe is eight years, and never before have I been charged with default, or abuse of the trust reposed in me.

I cannot think, Sir, but that great injustice would be done

me to order an examination of the work upon which the complaint charges, unless he can point out more particularly the default, and then if I cannot satisfy you by my own *oath* and that of my *hands* employed upon the work (who certainly have as much knowledge of the correctness of it as the settler) I should consider myself *culpable*.

If what is herein set forth is not sufficient to satisfy your mind that it is unnecessary for you to take further steps in regard to the matter, I will take the trouble to obtain such proof against the charges set forth as you may desire. In the mean time, you will please notify me when I may see you at your office, that a personal interview may be had in which I may more fully be able to show the injustice of such an attack upon my character as a public surveyor.

Very Respectfully,

Sir,

Your Obt. Servt.,

W. BARROWS.

Hon. Jas. Wilson,
Surveyor Genl.,
Dubuque,
Iowa.

The affidavits required by the Commissioner in this work will be transmitted in due time.

NEW GOVERNOR OF IOWA

James Clarke, Esq., editor of the *Burlington Gazette*, has received a commission from the president of the United States appointing him to the office of governor of Iowa Territory. This makes the fifth member of the Dodge family who are now in possession of fat offices. Their aggregate salaries is about \$14,000! That family is pretty well provided for by the government.—The *Davenport Gazette*, November 27, 1845. (In the Newspaper Division of the Historical, Memorial and Art Department of Iowa.)

ANNALS OF IOWA

EDITORIAL DEPARTMENT

LOCATION AND FACT OF BLACK HAWK'S DEATH AND BURIAL

The current ANNALS presents a letter of William Barrows to James Wilson, surveyor general. Mr. Barrows was a noted pioneer of Davenport, was a historian and an extensive contractor to subdivide or "sectionize" lands. His survey of Township 70, Range 12, Salt Creek Township, Davis County, which he did October 17 to 30, 1843, was under attack. Mr. Barrows' defense as set up in the letter referred to failed and his contract and survey were canceled. It was resurveyed by Paul C. Jeffries July 10 to 28, 1846.

There are two sets, therefore, of notes of original surveys in the Davis County Court House for the lands of Salt Creek Township—those of Barrows and those of Jeffries. A comparison of the two sets of notes shows little difference in fact as to the strict engineering data. Terms used for locating corners, riparian and other lines differ, naturally, for it was not expected by the surveyor nor the contestants that Mr. Barrows' work should be found accurate or adequate. The chief difference, however, in the contents of the two records, is that Barrows accompanied his strict notes of the land surveys with narrative matter. For instance, on the run "north between sections 1 and 2, 73.20 chains, the grave of Chief Black Hawk is upon the s. e. $\frac{1}{4}$ of section 2, from which bears a maple 20 inches in diameter, south $38\frac{1}{4}$ [degrees] west 784 links; ash 20 [inches in diameter] south $84\frac{1}{4}$ [degrees] west 866 links, burr oak 30 [inches in diameter] s. $71\frac{1}{2}$ [degrees] west 835 links marked B. H., 1841."

And again "Running west (corrected) between sections 2 and 11, 3.35 chains across the remains of the wigwam in which Black Hawk died; at 8.00 chains [reached] left bank of D. M. River and set meander post, willow 10 inches in diameter, s. 64 degrees east 44 chains; maple 12 inches diameter north 6 degrees west 40 chains."

Black Hawk had died October 3, 1838; Barrows' survey being

five years later was always in the presence of settlers who had been in the region for the whole of the time elapsing after Black Hawk's death. They were cognizant of the fact and presumably ready and willing to impart it to Barrows and all concerned.

Black Hawk's body was in its grave until July 3, 1839, when it was stolen, as related by James H. Jordan in an interview with D. C. Beaman (*ANNALS OF IOWA*, XIII, p. 130) and other authorities.

Now, although Barrows' survey was disputed and canceled by the General Land Office, and Jeffries' resurvey has the effect of the authority of law, yet Jeffries' work being done July 10 to 28, in 1846, omitted all historical references incidental to the strict descriptions, measurements and location of lands, and it would seem, did not interfere with the reliability of Barrows' record of the fact and location as to Black Hawk's place of death nor that of his burial.

POLITICAL CHANGES IN OUR STATE GOVERNMENT

The complete political turnover made in the state offices at the November, 1932, election has caused inquiry as to political changes of the state on previous occasions.

The majority of the early settlers of the territory of Iowa were Democrats. The fact that southerners somewhat predominated among them did not altogether account for the Democratic preponderance, as Democrats came to Iowa from the North as well as from the South, and Whigs came from the South, a few of them, as well as from the North.

The first territorial governor was Robert Lucas, 1838 to 1841, a Democrat of Ohio, appointed by President Van Buren. The second territorial governor was John Chambers, 1841 to 1845, a Whig of Kentucky, appointed by President William Henry Harrison. The third and last territorial governor was James Clarke of Burlington, Iowa, a Democrat, appointed by President Polk in 1845. He served until Iowa became a state in 1846.

During territorial times, 1838 to 1846, there were eight assemblies. Their membership and political classifications were as follows:¹

¹For the political alignments of the legislative assemblies we have followed Gue in his *History of Iowa*, Vol. III, pp. 442-66.

- First Legislative Assembly, November 12, 1838.
Council—Democrats, 7; Whigs, 6.
House—Democrats, 17; Whigs, 8.
- Second Legislative Assembly, November 4, 1839.
Council—Democrats, 7; Whigs, 6.
House—Democrats, 15; Whigs, 11.
- Third Legislative Assembly, November 2, 1840.
Council—Democrats, 7; Whigs, 6.
House—Democrats, 15; Whigs, 11.
- Fourth Legislative Assembly, December 6, 1841.
Council—Democrats, 8; Whigs, 5.
House—Democrats, 16; Whigs, 10.
- Fifth Legislative Assembly, December 6, 1842.
Council—Democrats, 7; Whigs, 6.
House—Democrats, 15; Whigs, 11.
- Sixth Legislative Assembly, December 4, 1843.
Council—Democrats, 6; Whigs, 7.
House—Democrats, 19; Whigs, 7.
- Seventh Legislative Assembly, May 5, 1845.
Council—Democrats, 11; Whigs, 2.
House—Democrats, 16; Whigs, 10.
- Eighth Legislative Assembly, December 1, 1845.
Council—Democrats, 11; Whigs, 2.
House—Democrats, 22; Whigs, 10.

Under the state government, beginning in 1846, the people of Iowa had their first chance to elect their own governor. Ansel Briggs of Jackson County, a Democrat, was the first governor. He served from 1846 to 1850, as four years was the length of the term for governor under the first constitution. The second was Stephen Hempstead of Dubuque, also a Democrat, and he served from 1850 to 1854. Then there came a turnover. James W. Grimes, a Whig, of Burlington, was elected and served from 1854 to 1858. During this administration the Republican party was organized and he became allied with that party. Since then until 1933, all of Iowa's governors but one, Horace Boies, 1890 to 1894, were Republicans. Therefore Iowa in her eighty-six years as a state has had three Democratic governors, Briggs, Hempstead, and Boies, one Whig, Grimes, and twenty Republicans.

Tracing the political complexion of the legislative branch of the government of the state we find it rather closely followed the changes in the governor's office. The early assemblies were as follows:

First General Assembly, November 30, 1846.

Senate—Democrats, 12; Whigs, 6.

House—Democrats, 17; Whigs, 23.

Second General Assembly, December 4, 1848.

Senate—Democrats, 18; Whigs, 8.

House—Democrats, 28; Whigs, 11.

Third General Assembly, December 2, 1850.

Senate—Democrats, 13; Whigs, 5.

House—Democrats, 34; Whigs, 5.

Fourth General Assembly, December 6, 1852.

Senate—Democrats, 20; Whigs, 11.

House—Democrats, 40; Whigs, 23.

Fifth General Assembly, December 4, 1854.

Senate—Democrats, 17; Whigs, 14.

House—Democrats, 31; Whigs, 40.

It is noticed in the above that the Democrats in 1854 lost the lower or popular branch of the legislative department. It did not regain it for a period of seventy-nine years, or until the session of 1933. There was once that it was in the balance, 1890, when the membership was Republican, 50; Democrats, 45; Independents, 5. The Independents voting with the Democrats, the five weeks' deadlock was broken by giving the speaker to the Democrats, the speaker pro tem and chief clerk to the Republicans, and the committee chairmen being divided between the two parties. The election resulting in the choice of this House was the one that chose Governor Boies for his first term. The Democrats also lost the Senate in the Sixth General Assembly, 1856. They regained it in the Twenty-fourth general Assembly, 1892, in the second election of Governor Boies, the division being Republicans, 24; Democrats, 25; Populist, 1.² With that one exception the Senate had a Republican majority from 1856 to 1931.

The office of lieutenant governor was not created until the second constitution was adopted in 1857. Oran Faville of Mitchell County, a Whig, was the first elected to that office. Since then all the lieutenant governors have been Republican except Samuel L. Bestow of Lucas County, a Democrat, who was elected in Governor Boies's second election, 1891, and he presided over the Senate of the Twenty-fourth General Assembly, 1892.

²*Senate Journal*, 1892, p. 12.

The principal executive offices of the state government were held by Democrats from 1846 to 1854, but after that they went to the Whigs and by 1858 to the Republicans. Since 1856 the offices of secretary of state, auditor of state, and treasurer of state have been continuously filled by Republicans until December 31, 1932, a period of seventy-seven years.

The judges of the Supreme Court under the territorial form of government were appointed by the president. They were Charles Mason, chief justice, and Thomas S. Wilson and Joseph Williams, associate justices, all Democrats. Under the state government and under the first constitution, 1846 to 1857, the judges of the Supreme Court were elected by joint sessions of the General Assembly. After the adoption of the Constitution of 1857 they were elected by the voters of the state. The bench first consisted of three members, which has been increased from time to time until there are now nine members. Besides Charles Mason and Thomas S. Wilson, territorial judges who served briefly on the organization of the Supreme Court of the new state, there were Joseph Williams, S. Clinton Hastings, John F. Kinney, George Greene, and Jonathan C. Hall, five in number, all Democrats, and reaching from 1847 to 1854. Then there came a political turnover and the following four, William G. Woodward, Norman W. Isbell, Lacon D. Stockton, and George G. Wright were elected as Whigs. From that time until 1932, all men who occupied positions on that tribunal are listed as Republicans except LeVega G. Kinne, a Democrat, who was elected in 1891, the year of Governor Boies's second election. Judge Kinne served six years.

Numerically there have been on the supreme bench of our state eight classed as Democrats, four as Whigs, and thirty-seven as Republicans.

Three general political periods have appeared in the state. The first was Democratic from 1846 to 1854, the second was Whig from 1854 to 1856, and the third was Republican from 1856 to 1932, with a partial break in a period from 1890 to 1894 when the governor, for four years, lieutenant governor, for two years, the state superintendent of public instruction for two years, the Senate for one session, and a judge of the Supreme Court for one term of six years, were Democratic.

NOTABLE DEATHS

EDGAR ALFRED MORLING was born at Boonville, Oneida County, New York, April 21, 1864, and died in a hospital in Des Moines, Iowa, October 15, 1932. Burial was at Emmetsburg, Iowa. His parents were Alfred and Elizabeth (Hines) Morling. He attended public school, including high school, in Boonville, and was graduated from the Albany (N. Y.) Law School in 1886. Admitted to the bar, the same year he began practicing at Boonville, but in 1887 took a position in legal editorial work with the West Publishing Company of St. Paul, Minnesota, in which he remained two years. In 1889 he located in Emmetsburg, joining in the practice of law with E. B. Soper and F. E. Allen as Soper, Allen & Morling. In 1897 he withdrew from the firm and practiced alone. In 1898 he was elected county attorney and was re-elected in 1900, serving four years. Later he was for some time in partnership with F. C. Davidson. During the thirty-five years he was in practice he came to be employed in much important litigation in his section of the state, and was consulted by lawyers as well as clients. On October 1, 1925, he was appointed a justice of the Supreme Court to fill the vacancy caused by the death of Justice Thomas Arthur. At the next election, 1926, he was elected for the balance of the unexpired term of Judge Arthur, and in 1930 was elected for a full term of six years. As a judge he was known for his impartiality, and for the clarity of his opinions. In his home town, in addition to his high standing in his profession, he was prominent in business connections, in civic enterprises, and in whatever related to the best interests of his community. He was a prominent member of the Methodist Episcopal church, was a lay delegate to the General Conference in 1920, 1924, and 1932, although the condition of his health prevented his attendance in 1932. He was also a trustee of Morningside College, Sioux City, and of Wesley Foundation of Iowa.

HENRY WHITTEMORE GROUT was born in Waterloo, Iowa, March 24, 1858, and died in the city of his birth June 28, 1932. Burial was in Fairview Cemetery, Waterloo. His parents were Samuel B. and Harriet Augusta (Whittemore) Grout. When he was six years old the family removed to a farm a few miles distant from the city. He was educated in rural school and in Field Seminary, Waterloo. In 1880 he was in Leadville, Colorado, in the employ of a mining company, but returned at the end of a year, and for about two years was in railroad work, then for seven years followed farming. In 1889 he went on the road as a traveling salesman. In 1901 he engaged in real estate business in Waterloo, and eventually became the owner of considerable farm and other properties, was a stockholder and director in the First National Bank of Waterloo, and had similar connections with the Waterloo Saddlery Company. He served on the Waterloo Board of Park Com-

missioners, and was president of the Fairview Cemetery Association. In 1910 he was elected representative, and was re-elected two years later, then in 1914 was elected senator, so he served inclusively from the thirty-fourth to the thirty-seventh general assemblies. In 1915 he was president of the Iowa Society, Sons of the American Revolution. He was a member of the commission provided for by the Forty-second General Assembly (1927), with Mrs. R. H. Munger and Curator E. R. Harlan, to locate and mark the graves of the soldiers of the American Revolution who were buried in Iowa. In this work he was much interested, and aided the commission in nearly completing its work shortly before his death. He had great interest in history and archaeology, and left a large collection, which is housed in the Black Hawk County Courthouse.

BERNARD JOHN HORCHEM was born in Dubuque, Iowa, December 4, 1866, and died in Vera Cruz, Mexico, July 23, 1932. Burial was at Vera Cruz. His parents were John C. and Henrietta (Plaster) Horchem. In 1884 he was graduated from the Dyersville schools. He taught country schools in Delaware County two years, beginning in 1886. In 1888-89 he took a course in the Cedar Rapids Business College. In 1892 he was graduated from the Normal School at Valparaiso, Indiana. Then followed two years as principal of the Dyersville High School, after which he was elected superintendent of schools of Dubuque County and filled that office four years, 1894 to 1898. He was re-elected for a third term, but resigned to accept the principalship of the Audubon School in Dubuque, which position he held thirty years, or until 1928. From time to time he further pursued his studies in psychology and sociology in Chicago University and in Columbia University, New York. He was much interested in wild life and nature studies, and for some years operated "Park Life" at Dubuque by which he kept boys wholesomely and voluntarily employed during summer vacations. He rendered valuable social service to his community. Religiously he was an adherent of the Catholic church. He served for twelve consecutive years as a state legislator, being first elected representative in 1914. He was re-elected representative in 1916, and in 1918 was promoted to the Senate serving altogether in the two houses inclusively from the Thirty-sixth to the Forty-first General Assembly.

JAMES S. DEWELL was born on a farm in Cedar County, Iowa, June 16, 1857, and died in a hospital in Rochester, Minnesota, October 24, 1932. Burial was in Rose Hill Cemetery, Missouri Valley, Iowa. His parents were Nathaniel and Winnie (McComb) Dewell. His boyhood was spent near Clarence, Cedar County. He was graduated from the Clarence High School, from the Iowa Agricultural College in 1881, and from the Law Department of the State University of Iowa in 1883. He then began the practice of law in Missouri Valley in partnership with John S. McGaveren. In 1884 he became city clerk and in 1885,

mayor. In 1888 he was elected county attorney of Harrison County and served two years. He was city attorney several years and achieved a large general practice. From 1884 until 1923, thirty-nine years, he was secretary of the Missouri Valley School Board. He had several important business connections, one being with the State Savings Bank, of which he was president several years. He was prominent in the Republican party, and was a delegate to the National Convention of 1908. His ability and high character led to his appointment by Governor Kendall October 17, 1923, as a judge of the Fifteenth Judicial District to succeed Judge George W. Cullison, deceased. He was elected for the balance of the term at the next general election, 1924, and was re-elected in 1926 and again in 1930, and was serving in that position at the time of his death.

EDWIN R. JACKSON was born at Avoca, Iowa, March 27, 1881, and died in Council Bluffs October 7, 1932. Burial was in Walnut Hill Cemetery, Council Bluffs. His parents were John F. and Lydia Bradshaw Jackson. He attended public school in Avoca, was a student for a time at Tabor College, and was graduated in liberal arts from the State University of Iowa in 1904 as president of his class. For the next two years he was superintendent of the schools of Oakland, Pottawattamie County, was elected county superintendent in 1906 and re-elected in 1908, but in 1909 resigned to go to Washington, D. C., to take a position in the Forestry Department. While in Washington he attended law school at George Washington University, and when he returned to Council Bluffs in 1913, was admitted to the bar. From 1915 to 1918 he was assistant county attorney, but in 1918 resigned and became trust officer of the Council Bluffs Savings Bank. In that work he had a large share of the management of the \$3,500,000 estate of the late General Grenville M. Dodge. He was for a time president of the school board of Council Bluffs, and was a leader in many activities of social service, and in civic affairs. In going through the effects of General Dodge he brought to light many items of historical interest and thus became able to generously share the information with Council Bluffs people and with the Historical, Memorial and Art Department of Iowa. A notable service of Mr. Jackson to historical literature was his effective aid to Jacob Randolph Perkins in his *Trails, Rails and War*, a biography of General Dodge, Bobbs-Merrill Company, Indianapolis, 1929. This was in compliance by the trustees of the Dodge estate with a testamentary provision of General Dodge and under the auspices of the Historical, Memorial and Art Department, as directed in General Dodge's last will and testament. (See ANNALS OF IOWA, Vol. XVI, p. 628.)

FRANCIS DANA MEAD was born in Cresco, Iowa, August 8, 1870, and died in Cresco November 16, 1932. His parents were Francis J. and Cynthia Ballard Mead. He was educated in the public schools of

Cresco, being graduated in 1886. For a short time he worked as a clerk in a drug store, but soon entered the printing office of the *Cresco Plain Dealer*, owned by his father and his father's brother, W. R. Mead, where he learned the printing and publishing business. In 1904 he purchased the interest of W. R. Mead in the business, and in 1905, assumed the editorship. On his father's death in 1922 he became both editor and publisher. During recent years his two sons, Donald and George, have taken over much of the detail labor of editing and publishing. Their newspaper has the unique distinction of being the only one in the state founded before the Civil War and having been owned and published continuously by the same family. It was founded in 1859 at New Oregon, then the principal town of the county, situated about two miles south of the location of the present city of Cresco. The paper was removed to Cresco in 1867. The town of New Oregon was long ago abandoned. F. D. Mead was a Democrat in politics, was postmaster at Cresco from 1915 to 1923, was elected representative in 1930, served in the Fortieth General Assembly, was re-elected in 1932, but died soon thereafter. He was a member of the School Board, president of the Community Club and was a most useful and helpful servant of his community.

ANDREW C. RIPLEY was born in Tuscarawas County, Ohio, February 11, 1849, and died in a hospital in Mason City, Iowa, July 20, 1932. Burial was in Concord Cemetery, at Garner. He attended common school and at the age of sixteen years enlisted in Company C of the One Hundred and Eighty-ninth Ohio Volunteer Infantry and served to the end of the war. Returning home he attended Mount Sterling Seminary for one year, and then entered Harlem Springs College from which he was graduated in 1869. From 1869 to 1871 he taught school in Ohio and in 1871 removed to Iowa and taught at Postville, and later at Claremont and at Rockford. During his teaching he had been reading law and in 1877 went to Mason City, continued reading and was admitted to the bar late that year and located in practice at Garner. He was elected county superintendent of Hancock County in 1880 and served one term. He also served two terms as a member of the Board of Supervisors. He soon secured a large general law practice in which he continued for thirty years, or until 1907 when he retired because of failing health, after which he devoted himself for a few years principally to farming and stock raising, although he was interested in several other important business lines. In 1908 he was elected representative and was re-elected in 1910, and served in the Thirty-third and Thirty-fourth general assemblies. In 1914 he removed to Long Beach, California, where he continued to reside, but returned each summer to look after his interests and visit his friends. It was during such a visit that his death occurred.

CHARLES ATHERTON CUMMING was born at Rochester, Illinois, March 31, 1858, and died in Des Moines, Iowa, February 16, 1932. Burial was in Glendale Cemetery. His parents were George Paxton and Eliza Ellen (Atherton) Cumming. He attended Cornell College, Mount Vernon, Iowa, in 1877-79, and studied art in Chicago Academy of Design (now the Art Institute of Chicago), the National Academy of Design in New York City, and the Academie Julian in Paris, France. He taught art at Cornell College for a time in his early career, and taught painting privately in Cedar Rapids. In 1895 he founded and became director of the Cumming School of Art which was located until 1928 in the upper story of the Des Moines City Library Building. After that date it was at 525 Seventeenth Street, Des Moines. Professor Cumming established the Department of Graphic and Plastic Arts of the State University of Iowa in 1910 and was its director from that date until 1927, journeying frequently between his work there in Iowa City and in Des Moines. From 1915 to 1927 he was superintendent of the Department of Graphic and Plastic Arts of the Iowa State Fair and Exposition. His outstanding canvases are in the State University of Iowa, in the Historical Department of Iowa, and in the mural decorations in the Polk County Court House, Des Moines.

ORANGE HOWARD CESSNA was born near Kenton, Ohio, July 31, 1852, and died in Ames, Iowa, October 22, 1932. Burial was in the College Cemetery at the northeast edge of the Campus. His parents were Jonathan Wilson and Elizabeth Jane (Mathews) Cessna. The family removed in 1856 to Nevada, Iowa, making the trip in a covered wagon. The father took up a homestead near Nevada. The son attended public school in Nevada and in 1868 enrolled in the first class of the newly organized Iowa Agricultural College at Ames. During vacations he taught school and during school months milked cows to get money to pay his way. In 1872 received his B. S. degree with the first class graduated from the college. From 1872 to 1874 he served as deputy treasurer of Story County, and later was a bookkeeper in Baldwin & Maxwell's store in Iowa Center. In 1878 he entered Garrett Biblical Institute, Evanston, Illinois, from which he received the B. D. degree in 1885, and D. D. in 1900. He was ordained a minister of the Methodist Episcopal church in 1885, and between that year and 1900 had pastorates in Nunda, Belvidere, Elgin, Dixon and Chicago, Illinois. From 1900 to 1921 he was professor of history and psychology in Iowa State College of Agriculture and Mechanic Arts, and was professor of psychology from 1921 for some years later. He became chaplain of the college, serving until 1929, but remaining there in close touch with the institution until his death. Thus for over thirty years he was in intimate relations with the students, exercising among them a most helpful and wholesome influence.

FRANK E. THOMPSON was born in Grandview, Louisa County, Iowa, December 13, 1873, and died in Burlington September 19, 1932. His parents were John W. and Mary (See) Thompson. He attended public school, high school at Winfield and at Muscatine, and was graduated from the Law Department of the State University of Iowa in 1896. The same year he began the practice of law in Burlington, continuing it until failing health caused his retirement from active work some three years before his death. He was prominent in his profession, especially in the trial of criminal cases. He gave his allegiance to the Republican party and was the chairman of his county committee for some time. In 1904 he was elected county attorney for Des Moines County and served two years. In 1914 he was elected senator, and was re-elected in 1918, and served inclusively from the Thirty-sixth to the Thirty-ninth general assemblies.

ALBERT M. FELLOWS was born in Lansing, Iowa, March 1, 1864, and died in a hospital in La Crosse, Wisconsin, February 17, 1932. Burial was in Oakhill Cemetery, Lansing. His parents were Judge Liberty E. and Mary S. (Reed) Fellows. He completed the courses in the public schools of Lansing and was graduated from Upper Iowa University at Fayette. Soon thereafter he entered the employ of John Robinson, saw mill operator and lumberman, and a few years later associated himself with the Lansing Lumber Company as its secretary, becoming its owner in 1900. He aided in organizing the Peoples Savings Bank of Lansing in 1911 and was its president from that time until his death. He was a member and president of the local school board for fifteen years, was a member of the town council, and was mayor for sixteen years. He was elected senator in 1912, was re-elected in 1916, and served inclusively from the Thirty-fifth to the Thirty-eighth general assemblies. He was held in very high regard by his community.

GEORGE W. CHRISTOPHEL was born in Kankakee County, Illinois, December 7, 1881, and died near Waverly, Iowa, November 13, 1932. His parents were Mr. and Mrs. Henry Christophel. He attended public school and Northwestern College at Naperville, Illinois, and taught school from 1902 to 1905. In 1906 he removed to a farm near Bremer, Bremer County, Iowa, but in 1913 removed to a farm two miles northwest of Waverly. He was a successful farmer and was selected in 1929 by Wallaces' Farmer as one of the master farmers of the state. He was active in various farm organizations, one of them being the Bremer County Farm Bureau, of which he was president at two different times, being president at the time of his death. In 1924 he was elected representative, was re-elected in 1926, and was elected senator in 1928 and served inclusively from the Forty-first to the Forty-fourth general assemblies. He was a Republican in politics.

